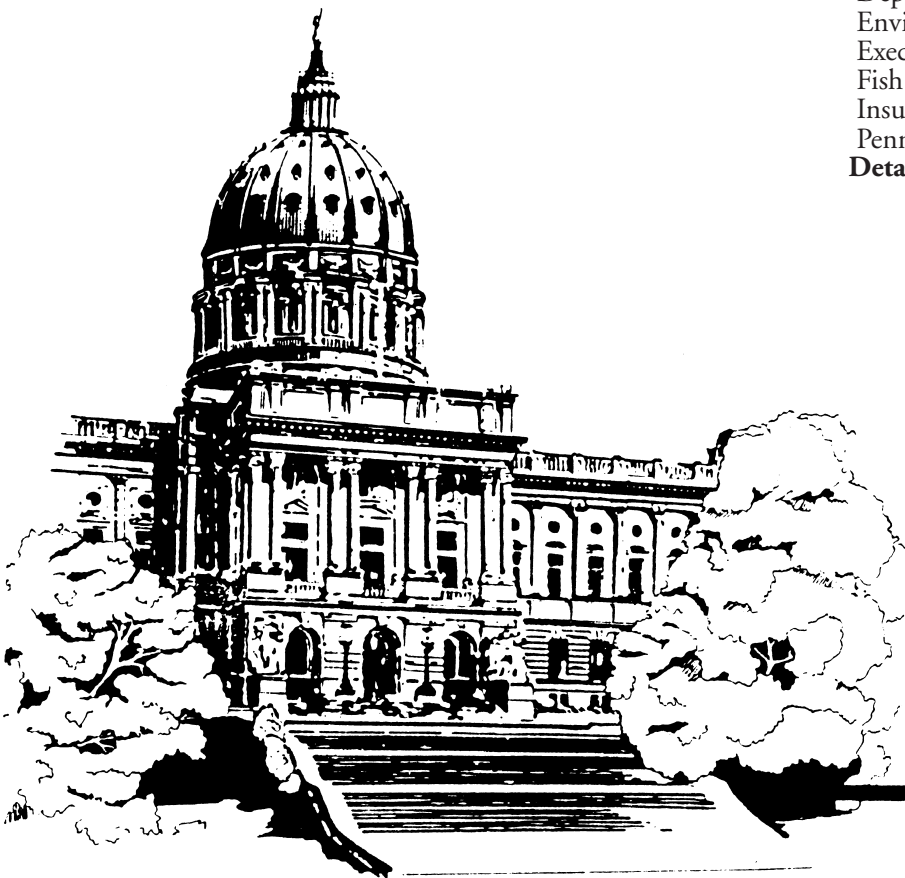


PENNSYLVANIA BULLETIN

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Department of Agriculture
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Department of Environmental Protection
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Environmental Quality Board
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Pennsylvania Public Utility Commission
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(Master Transmittal Sheet):**

No. 553, December 2020

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

November 24, 2020

Whereas, on March 6, 2020, I declared a disaster emergency due to the coronavirus disease 2019 (COVID-19) pandemic that is devastating the country, including the Commonwealth of Pennsylvania and its citizens; and

Whereas, the March 6, 2020, Proclamation of Disaster Emergency was set to automatically expire by operation of law on June 4, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated March 6, 2020, by Amendment to Proclamation of Disaster Emergency (1st Amendment) on June 3, 2020, for an additional ninety days; and

Whereas, the June 3, 2020, Amendment to Proclamation was set to automatically expire by operation of law on September 1, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated March 6, 2020, by Amendment to Proclamation of Disaster Emergency (2nd Amendment) on August 31, 2020, for an additional ninety days; and

Whereas, the August 31, 2020, Amendment to Proclamation is set to automatically expire by operation of law on November 29, 2020, unless further extended by my official action; and

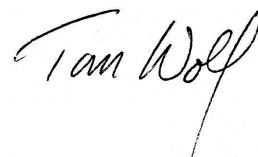
Whereas, as of November 23, 2020, 314,401 persons have tested positive or meet the requirements to be considered probable cases for COVID-19 in the Commonwealth in all 67 counties, and 9,870 persons are reported to have died from the virus; and

Whereas, the COVID-19 pandemic continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania.

Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

1. The Proclamation of Disaster Emergency dated March 6, 2020, renewed by Amendments to Proclamation of Disaster Emergency dated June 3, 2020, and August 31, 2020, is renewed for a period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.
2. All directives, authorized actions and provisions of the March 6, 2020, Proclamation of Disaster Emergency and June 3, 2020, and August 31, 2020, Amendments to Proclamation shall remain in full force and effect until either rescinded by me or terminated by law.
3. This Proclamation Amendment (3rd Amendment) shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-fourth day of November two thousand twenty, the year of the Commonwealth the two hundred and forty-fifth.



Governor

[Pa.B. Doc. No. 20-1683. Filed for public inspection December 4, 2020, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

Judicial Salaries

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX AND JUDICIAL SALARIES

§ 211.1a. Consumer Price Index—judicial salaries.

(a) *Calculation.* Acting pursuant to section 2.1(i)(1) of the Public Official Compensation Law (65 P.S. § 366.2a(i)(1)), the Court Administrator of Pennsylvania reports that the percentage change in the Philadelphia-Wilmington-Atlantic City, PA-DE-NJ-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the 12-month period ending October 2020, was 0.8 percent (.8%). (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Thursday, November 12, 2020.)

(b) *Suspension of annual cost-of-living adjustment.*

(1) Section 2.1(i)(2) of the Public Official Compensation Law (65 P.S. § 366.2a(i)(2)) provides that the annual salaries for the judiciary may not be increased by the annual cost-of-living adjustment for the period beginning January 1, 2021, and ending December 31, 2021.

(2) Section 2.1(i)(3) of the Public Official Compensation Law (65 P.S. § 366.2a(i)(3)) provides that the annual salaries for individuals subject to 42 Pa.C.S. § 1741(a)(1) or (2) (relating to compensation of judges) may not be increased by a cost-of-living adjustment under 42 Pa.C.S. § 1741(b) for the annual period beginning January 1, 2021, and ending December 31, 2021.

§ 211.2. Judicial salaries effective January 1, 2021.

In accordance with section 2.1(i) of the Public Official Compensation Law (65 P.S. § 366.2a(i)) and § 211.1a(b) (relating to suspension of annual cost-of-living adjustment), the annual judicial salaries for the calendar year beginning January 1, 2021, shall be as follows.

(a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$215,037.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$221,295.

(b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$202,898.

(2) The annual salary of the President Judge of the Superior Court shall be \$209,153.

(c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$202,898.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$209,153.

(d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$186,665.

(2) The annual salaries of the president judges of the courts of common pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$189,794.

(ii) Philadelphia County, \$190,420.

(iii) Judicial districts having six or more judges, \$188,292.

(iv) Judicial districts having five or fewer judges, \$187,480.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with six or more judges, \$188,292.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with five or fewer judges, \$187,480.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with six or more judges, \$188,292.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with five or fewer judges, \$187,480.

(e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$182,346.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$185,163.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$93,338.

(h) *Senior judges.* The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$578 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 20-1684. Filed for public inspection December 4, 2020, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 19]

Proposed Amendment of Pa.R.A.P. 1925(c)

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania

nia the amendment of Pa.R.A.P. 1925(c) governing remand to the trial court for service *nunc pro tunc* of the statement of the errors complained of on appeal for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by January 20, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
 Procedural Rules Committee*

PATRICIA A. McCULLOUGH,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

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

RECORD ON APPEAL FROM LOWER COURT

Rule 1925. Opinion in Support of Order.

* * * * *

(c) *Remand.*

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

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

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

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

* * * * *

Official Note:

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

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

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

Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657; *see also Burton* (late filing of Statement is *per se* ineffective assistance of counsel). The procedure set forth in *West* is codified in subparagraph (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-

conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this subparagraph does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner's conviction.)

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

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 1925(c)

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pa.R.A.P. 1925(c) governing remand to the trial court for service *nunc pro tunc* of the statement of the errors complained of on appeal ("Statement"). This amendment is intended to provide procedures for an appellant to remediate waiver due to either the failure to serve the Statement or the failure to timely serve the Statement.

At present, Pa.R.A.P. 1925(c) permits the remand for the filing of a Statement when the appellant has either failed to file a Statement or failed to timely file a Statement. An appellant may seek an order remanding for remediation in civil cases for good cause shown. A remand is available in criminal cases when the appellate court is convinced that counsel was *per se* ineffective and the trial court did not file an opinion.

Pa.R.A.P. 1925(c) is silent whether a remand is permissible when an appellant has either failed to serve a Statement or failed to timely serve a Statement. Case law indicates that defective service of a Statement results in a waiver of all appellate issues. See *Commonwealth v. Eldred*, 207 A.3d 404 (Pa. Super. 2019). It seemed inconsistent to allow a remand to address deficiencies in the filing of a Statement, but not deficiencies in service, when both may operate to deny appellate review by operation. Accordingly, the Committee proposes to extend the procedures for seeking a remand to include instances of defective service, providing all other requirements of Pa.R.A.P. 1925(c) are met.

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

[Pa.B. Doc. No. 20-1685. Filed for public inspection December 4, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Amendment of Rules of Criminal Procedure— Adoption of N.C.R.Crim.P. N507: Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; AD-179-2020

Order of Court

And Now, this 20th day of November, 2020, upon consideration of the certification filed by the District Attorney of Northampton County, Pennsylvania, pursuant to Pennsylvania Rule of Criminal Procedure 507, *It Is Ordered* that the Northampton County Rules of Criminal Procedure are hereby amended to adopt N.C.R.Crim.P. N507, a copy of which follows hereto and which provides for the approval of police criminal complaints and arrest warrant affidavits by an attorney for the Commonwealth prior to acceptance by any judicial officer.

Said Northampton County Rule of Criminal Procedure N507 shall become effective on January 1, 2021, after no less than thirty (30) days publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the Northampton County Court Administrator shall file seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts, two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy with the Northampton County Criminal Rules Committee, and one (1) copy with the Clerk of Court of the Criminal Division of the Court of Common Pleas of Northampton County, Pennsylvania.

By the Court

MICHAEL J. KOURY, Jr.
President Judge

Rule N507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Northampton County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the offenses identified in the District of Northampton County's certification shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit have the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 20-1686. Filed for public inspection December 4, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WAYNE COUNTY

Booking Center Fee; 132 MD 2020

Administrative Order of Court

And Now, this 20th day of November, 2020, it is hereby *Ordered and Directed* that pursuant to 42 Pa.C.S.A. §§ 1725.5 and 1725.6, a booking center fee of ONE HUNDRED SEVENTY-FIVE dollars (\$175.00) shall be imposed against a defendant who:

(1) Is placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

- (i) 18 Pa.C.S. § 106(a) (relating to classes of offenses).
- (ii) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
- (iii) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).
- (iv) A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

The fee shall be assessed as a cost of prosecution and collected by the Wayne County Clerk of Courts. The fee shall be allocated to a Central Booking Center Fund for the implementation, start-up, operation, and maintenance of the booking center.

The booking center shall be available for all law enforcement agencies having arrest powers in Wayne County. The effective date of this Administrative order shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the District Court Administrator distribute this Order as follows:

1. File one (1) copy of this Order with the Administrative Office of Pennsylvania Courts;
2. File two (2) copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* along with a copy of this Order on a CD-ROM or other agreed upon alternate format;
3. Publish a copy of this Order on the Wayne County Court of Common Pleas website;
4. Compile the local rule within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

By the Court

JANINE EDWARDS,
President Judge

[Pa.B. Doc. No. 20-1687. Filed for public inspection December 4, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated October 21, 2020, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective November 20, 2020 for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Block, Dennis E.
Turnersville, NJ

Brown, Vanessa Renee
Oklahoma City, OK

Browndorf, Matthew C.
New York, NY

Fox, Lawrence J.
Woodbridge, CT

Gallagher Jr., Michael J.
New York, NY

Gebauer, Jay A.
Moorestown, NJ

Guzman, Katheleen Rae
Norman, OK

Harris, John Gerard
Wilmington, DE

Lowe, Danielle Renee
Washington, DC

Negrin, Richard
Chicago, IL

O'Brien, James Michael
Wheeling, WV

Pine, Neena Marie
Mount Laurel, NJ

Primiano, Marilyn Orlandra
Washington, DC

Pross, Christina Joy
Newark, DE

Rankins, Timothy Scott
Larchmont, NY

Scalzitti, Michael Brian
Los Angeles, CA

Schneck, Jed Robert
Fort Myers, FL

Segal, Adam M.
Haddonfield, NJ

Shea, Christopher Ryan
Toms River, NJ

Warren Jr., Bruce K.
Westville, NJ

Wixted, Drew Barrett
Mount Laurel, NJ

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 20-1688. Filed for public inspection December 4, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Lance Timothy Mason (# 65881), having been disbarred in Ohio, the Supreme

Court of Pennsylvania issued an Order on November 17, 2020, disbaring Lance Timothy Mason from the Bar of this Commonwealth, effective December 17, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-1689. Filed for public inspection December 4, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 17, 2020, Barry Jay Beran (# 35896), whose registered office address is in Cherry Hill, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 17, 2020. 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. 20-1690. Filed for public inspection December 4, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 17, 2020, David Michael DeClement (# 71974), whose registered address is Pitman, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 17, 2020. 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. 20-1691. Filed for public inspection December 4, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 17, 2020, Susan Ann Lowden (# 60228), whose registered address is Haddonfield, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 17, 2020. 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. 20-1692. Filed for public inspection December 4, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 105]

Dam Safety and Waterway Management

The Environmental Quality Board (Board) proposes to amend Chapter 105 (relating to dam safety and waterway management) to read as set forth in Annex A. This proposed rulemaking would amend Chapter 105 to clarify existing regulations; delete or update obsolete and antiquated requirements; incorporate new or revised definitions to support the proposed amendments and clarify existing regulations; and correct previous typographical errors discovered in certain sections of Chapter 105. The proposed new and amended sections are §§ 105.1, 105.3, 105.4, 105.12—105.17, 105.18a, 105.20a, 105.21, 105.25, 105.35, 105.43, 105.47, 105.53, 105.81, 105.82, 105.89, 105.96—105.98, 105.121—105.123, 105.134, 105.161, 105.171, 105.245, 105.401, 105.411, 105.446, 105.451 and 105.452.

This proposed rulemaking would amend Chapter 105 to add structures and activities eligible for a permit waiver and clarify existing waivers, add antidegradation and cumulative impacts subsections to the applicant information requirements and revise existing information requirements for better clarity and organization, provide a new option for dam owners to satisfy proof of financial responsibility obligations, amend the environmental assessment section to add application information requirements specific to environmentally beneficial projects, amend the Wetland replacement criteria section to update provisions relating to the compensatory mitigation framework for unavoidable impacts to aquatic resources and their aquatic resource functions, add notice of transfer requirements for the owners of dams eligible for a permit waiver, add new structures and activities that may be exempt from submerged lands licensing charges, require periodic inspections by high hazard dam owners and update the application information requirements for projects seeking to discharge dredged or fill material into aquatic resources. This proposed rulemaking would amend various sections of Chapter 105 to further clarify existing requirements, delete or update obsolete requirements and correct previously identified typographical errors. This proposed rulemaking would add or revise definitions to support these revisions.

This proposed rulemaking was adopted by the Board at its meeting on July 21, 2020.

A. Effective Date

These amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact Pamela Kania, Acting Director, Bureau of Waterways Engineering and Wetlands, P.O. Box 8460, Rachel Carson State Office Building, Harrisburg, PA 17105-8460, (717) 787-3411, or Jesse C. Walker, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding the submittal of comments on this proposed rulemaking appears in section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling 800-654-5984 (TDD users) or 800-654-5988 (voice users). This proposed rulemaking is

available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov ("Public Participation Center," select "Environmental Quality Board").

C. Statutory Authority

This proposed rulemaking is authorized under sections 5, 7, 10, 11 and 17 of the Dam Safety and Encroachments Act (act) (32 P.S. §§ 693.5, 693.7, 693.10, 693.11 and 693.17); sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402); sections 302 and 402 of the Flood Plain Management Act (32 P.S. §§ 679.302 and 679.402); section 11(2) of the Conservation District Law (3 P.S. § 859(2)); and sections 514(a), 1901-A(1) and (2), 1908-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 194(a), 510-1(1) and (2), 510-8, 510-17 and 510-20), unless otherwise noted.

D. Background and Purpose

This Commonwealth's dam safety and waterway management regulations are codified in Chapter 105. Under section 2 of the act (32 P.S. § 693.2), the Department regulates dams and other water obstructions and encroachments located in, along or across or projecting into aquatic resources to: protect the health, safety, welfare and property of the people; assure proper planning, design, construction, maintenance, monitoring and supervision of dams and reservoirs; assure proper planning, design, construction, maintenance and monitoring of water obstructions and encroachments; and to protect natural resources, environmental rights and values secured by the Pennsylvania Constitution and conserve and protect the water quality, natural regime and carrying capacity of watercourses. See also § 105.2 (relating to purposes).

This Commonwealth's Chapter 105 wetland protection and dam safety regulatory program has traditionally been one of the leading wetlands and dam safety programs in the mid-Atlantic states, as well as Nationally. These proposed regulatory revisions would allow the Department to focus resources on activities and threats to public health, welfare, safety and the environment, while providing general management, oversight and review for more routine activities to ensure compliance with the objectives of the act. In recent years, the Department's emphasis on improved clarity and consistency in the implementation of Chapter 105 has centered on large scale projects, including linear and phased projects. As a result, the Board has identified a need for multiple revisions and updates to Chapter 105.

The purpose of this proposed rulemaking is to amend Chapter 105 to strengthen the Department's implementation of the dam safety, and water obstruction and encroachment programs, provide clarity for project applicants and the public on existing regulations, and enable the Department and local delegated agencies to utilize resources in a more effective and efficient manner. The proposed amendments would revise several sections of Chapter 105 to clarify existing requirements; delete or update obsolete and antiquated requirements; incorporate new or revised definitions to support proposed amendments and existing terminology used in Chapter 105; integrate new or revised sections by codifying existing requirements; and correct previous typographical errors.

Regulatory history

The Commonwealth has a long history of regulating dams, water obstructions and encroachments. The act of

June 8, 1907 (P.L. 496, No. 322) established the Pennsylvania Navigation Commission for the Delaware River and authorized the Commission to issue licenses for the construction, extension, alteration, improvement and repair of wharves, piers, bulkheads, docks, slips and basins along the waterfront. As a result of the Austin Dam failure in Potter County on September 30, 1911, which claimed 78 lives, the General Assembly enacted the Water Obstructions Act—act of June 25, 1913 (P.L. 555, No. 355), to enable a Department predecessor, the Water Supply Commission, to regulate dams, water obstructions and encroachments in the Commonwealth. The Department's predecessor, the Department of Environmental Resources (DER), adopted the initial Chapter 105 regulations at 1 Pa.B. 1804 (September 11, 1971).

The General Assembly recognized the need for the Commonwealth's dredged and fill program to contain proper inspection and enforcement provisions after the failure of the Laurel Run Dam, Sandy Run Dam and four others near Johnstown, PA in 1977. The General Assembly repealed the Water Obstructions Act and enacted the act on November 26, 1978 (P.L. 1375, No. 325). The act provided for the regulation of dams, water obstructions and encroachments; consolidated and clarified the programs of DER and the Commissions; established penalties; and repealed certain acts. The General Assembly amended the act on October 23, 1979 (P.L. 204, No. 70). On September 26, 1980, the Board rescinded Chapter 105 and adopted new Chapter 105 regulations under the authority of the act and The Clean Streams Law (35 P.S. §§ 691.1—691.1001) published at 10 Pa.B. 3843 (September 27, 1980).

The Board promulgated the last comprehensive revisions of the Chapter 105 regulations at 21 Pa.B. 4911 (October 11, 1991). The main purpose of those amendments was to ensure more adequate protection of wetlands in this Commonwealth by establishing more specific information requirements for the permitting of structures and activities in wetlands, clear standards for permit review and specific criteria for wetlands replacement. *Id.* In addition, the 1991 rulemaking sought to streamline permitting, and better focus the Department's resources through the addition of: a simpler permitting process for small projects; additional categories eligible for waiver of permit requirements; authority to issue emergency permits; creation of a simplified transfer process; and other administrative changes. *Id.*

The Board promulgated amendments to Chapter 105 to address issues pertaining to dams and reservoirs at 41 Pa.B. 219 (January 8, 2011). Specifically, those amendments clarified dam permit and engineering requirements necessary for the proper design and construction of dams, updated dam classification categories and improved protection of the public by providing the Department with the ability to remove or modify unsafe or deficient high-hazard dams. The amendments also provided 5 years for owners to comply with proof of financial responsibility or security for the operation and maintenance or permit approval for existing Hazard Potential Category 1 or Category 2 dams, as classified in § 105.91 (relating to classification of dams and reservoirs), and water obstructions or encroachments, which present a substantial risk to life or property.

The proposed amendments are consistent with section 2 of the act and sections 5 and 402 of The Clean Streams Law. The proposed amendments would protect the health, safety, welfare and property of residents in this Commonwealth; ensure proper planning, design, construction,

maintenance, monitoring and supervision of dams and reservoirs; ensure proper planning, design, construction, maintenance and monitoring of water obstructions and encroachments; and enhance the protection of natural resources, environmental rights and values, and conserve and protect the water quality, natural regime and carrying capacity of watercourses.

Federal consistency and coordination

This proposed rulemaking is consistent with the Commonwealth's authority under the Federal Water Pollution Control Act (CWA) (33 U.S.C.A. §§ 1251—1388), as amended. Under section 510 of the CWA (33 U.S.C.A. § 1370), developing water quality standards and antidegradation implementation requirements has long been a function reserved to the states. See also 40 CFR 131.4 (relating to State authority). Section 303 of the CWA (33 U.S.C.A. § 1313), authorizes states to establish water quality standards within their jurisdictions. In section 303(a)(2) of the CWA, Congress mandates that the state water quality standards adopted by states under the states own laws prior to October 18, 1972, remain in effect unless the United States Environmental Protection Agency (EPA) determines they are inconsistent with the Clean Water Act. Section 303(c)(1) of the CWA gives states the authority to review and revise water quality standards for surface waters within their borders.

The Commonwealth's water quality standards in Chapter 93 (relating to water quality standards), Chapter 96 (relating to water quality standards implementation) and Chapter 105 have been promulgated by the Board under The Clean Streams Law, enacted in 1937. The Department's Chapter 96 regulations implement the Chapter 93 water quality standards. Section 96.3(b) (relating to water quality protection requirements) provides that antidegradation requirements found in §§ 105.1, 105.15, 105.17, 105.18a, 105.20a and 105.451 shall apply to surface waters. In addition, § 96.3(g) establishes that the functions and values of wetlands shall be protected under Chapters 93 and 105. The EPA has approved the Commonwealth's antidegradation regulations as meeting the Federal requirements at 40 CFR 131.12 (relating to antidegradation policy and implementation methods). See 75 FR 29899-29900 (May 28, 2010). Upon the Board's promulgation of this proposed rulemaking as a final-form rulemaking, the Department will submit the final-form rulemaking to the EPA for approval as an amendment to the Commonwealth's water quality standards in effect for CWA purposes.

This proposed rulemaking would be consistent with the Department's coordination efforts with the United States Army Corps of Engineers (Corps) under section 17(d) of the act (32 P.S. § 693.17(d)). See also § 105.24 (relating to coordination of permits). Section 404(e) of the CWA (33 U.S.C.A. § 1344(e)), provides for the issuance of Department of the Army (DA) general permits (GP) on a Statewide basis, which operate in conjunction with a State regulatory program that protects the aquatic environment in a manner that the Corps has determined to be equivalent to the DA regulatory program, provided that the activities permitted under each category of such GPs are similar in nature and result in no more than minimal individual or cumulative adverse effects on the aquatic environment. The Department's coordination process is undertaken through the implementation of the Pennsylvania State Programmatic General Permit (PASPGP) which has been issued by the Corps in this Commonwealth under CWA section 404(e) since 1991 and is based upon consistency with the requirements of

40 CFR, Part 230 (relating to section 404(b)(1) guidelines for specification of disposal sites for dredged or fill material). The Department and Corps also utilize a joint permit application form to coordinate efficient processing of applications for larger scale projects. The Department coordinates with the Corps and other state and Federal agencies and commissions regarding projects that require compensatory mitigation through the PASPGP and joint permitting processes.

On April 10, 2008, the EPA and the Corps, through a joint final rule entitled *Compensatory Mitigation for Losses of Aquatic Resources* (2008 Mitigation Rule), amended 33 CFR Chapter II by adding Part 332 (relating to compensatory mitigation for losses of aquatic resources) and 40 CFR Part 230, by adding Subpart J (relating to compensatory mitigation for losses of aquatic resources), respectively, to include more comprehensive standards for compensatory mitigation (see 73 FR 19594 (April 10, 2008)). Compensatory mitigation involves actions taken to offset unavoidable adverse impacts to wetlands, streams and other aquatic resources authorized by DA permits, after all appropriate and practicable steps have been taken to first avoid and then minimize adverse impacts to the aquatic ecosystem under 40 CFR Part 230. See 40 CFR 230.93(a)(1) and 33 CFR 332.3(a)(1). The Corps defines compensatory mitigation as restoration, establishment, enhancement, and/or preservation of aquatic resources to offset unavoidable impacts to waters of the United States. 40 CFR 230.92 (relating to definitions).

The Department has its own authority to require mitigation for impacts to aquatic resources and aquatic resource functions that cannot be eliminated. The purpose of the act is, among other things, to “[p]rotect the natural resources, environmental rights and values secured by the Pennsylvania Constitution and conserve the water quality, natural regime and carrying capacity of watercourses.” 32 P.S. § 693.2; See also § 105.2. Under section 4 of The Clean Streams Law (35 P.S. § 691.4), “[i]t is the objective of the Clean Streams Law not only to prevent further pollution of waters of the Commonwealth, but to also reclaim and restore to a clean, unpolluted condition every stream in Pennsylvania that is presently polluted.” See also 35 P.S. § 691.5. The existing definition of mitigation in § 105.1 (relating to definitions) requires project proponents to: (A) Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation. (B) Rectify the impact by repairing, rehabilitating or restoring the impacted environment. (C) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action. If the impact cannot be eliminated by following clauses (A)—(C), compensate for the impact by replacing the environment impacted by the project or by providing substitute resources or environments. Mitigation is incorporated throughout this chapter under §§ 105.13(e), 105.16, 105.18a and 105.20a.

Consistent with the Department’s authority under the act, The Clean Streams Law and existing Chapter 105 requirements relating to mitigation, this proposed rulemaking would amend § 105.20a (relating to wetland replacement criteria) to update provisions relating to the compensatory mitigation framework for proposed impacts to aquatic resources and aquatic resource functions that cannot be eliminated. These revisions include the addition of siting criteria for compensatory mitigation projects, compensation factors, acceptable methodologies and monitoring and performance standards. This proposed rulemaking would add the definitions of “aquatic resources”

and “aquatic resource functions” to support these revisions and further coordination efforts with the Corps during its implementation of the 2008 Mitigation Rule under 40 CFR 230, Subpart J. These proposed amendments to § 105.20a are generally consistent with the EPA and Corps 2008 Federal Mitigation Rule by: (1) maintaining a “no net loss” of wetlands requirement; (2) revising siting criteria on a watershed basis; (3) providing for mitigation banking, in-lieu fee, and permittee responsible mitigation options; and (4) requiring financial assurances for long-term management and protection of a compensation site.

Although the Federal government does not have companion dam safety regulations for non-federal dams, this proposed rulemaking would revise the terminology used in Chapter 105 relating to stability of dam structures while utilizing appropriate uplift pressures, ice loads, and silt loads to make it consistent with the Corps’ standard design terminology and manual.

This proposed rulemaking would also amend references to the determination of prior converted cropland for agricultural crop production purposes in § 105.452 (relating to status of prior converted cropland—statement of policy) to provide further clarity. This proposed revision would be consistent with the Federal guidance provided by the United States Department of Agriculture (USDA) *National Food Security Act Manual*.

Consultations

In developing this proposed rulemaking, the Department sought input from principal stakeholders that would be affected by the proposed amendments. The Department’s outreach included participation in a Chapter 105 Agricultural Workgroup consisting of the USDA, Natural Resource Conservation Service (NRCS); Pennsylvania Department of Agriculture (PDA), State Conservation Commission (SCC); Pennsylvania Association of Conservation Districts (PACD), Pennsylvania Department of Conservation and Natural Resources (DCNR), representatives from select county conservation districts; and the Pennsylvania State University, Dirt, Gravel and Low Volume Road program.

The Department has solicited input from Commonwealth agencies and commissions during the development of this proposed rulemaking, including DCNR, PDA, the Department of Transportation, the Fish and Boat Commission and the Turnpike Commission. The Department also conducted a separate workgroup with PACD. There are currently 34 conservation districts that the Department has delegated Chapter 105 authority in this Commonwealth. These delegated conservation districts would be affected by this proposed rulemaking as co-regulators. The workgroup included both delegated and non-delegated conservation districts.

On February 29, 2020, the Department provided a presentation of this proposed rulemaking to the Pennsylvania Chamber of Business and Industry and provided an opportunity for feedback.

The Department consulted the Agricultural Advisory Board (AAB) and Water Resources Advisory Committee (WRAC) on this proposed rulemaking. The Department provided pre-proposal updates to WRAC on July 25, 2019, and the AAB on November 12, 2019. On January 27, 2020, and January 30, 2020, respectively, the AAB and WRAC unanimously concurred with the Department’s recommendation to move this proposed rulemaking forward to the Board for consideration for adoption and publication as a proposed rulemaking for public comment.

The Department conferred with the SCC on November 12, 2019, and February 11, 2020, and the Citizens Advisory Council (CAC) on November 19, 2019, and February 18, 2020. This proposed rulemaking is consistent with sections 2, 5, 7, 10, 11 and 17 of the act and sections 5 and 402 of The Clean Streams Law. The Board is proposing to adopt these amendments to the Chapter 105 dam safety and waterways management regulations.

E. Summary of Regulatory Requirements

A summary of the proposed amendments to Chapter 105 and the purpose for each proposed amendment is provided as follows.

§ 105.1. Definitions

This proposed rulemaking would revise § 105.1 to amend the terms “Cross section,” “Incremental dam breach analysis,” “Levee,” “Stormwater management facilities,” and “Wetland functions” and add the terms “Abandonment,” “Aquatic resources,” “Aquatic resource functions,” “Aquatic resource impacts,” “Conservation district,” “Crop production,” “Groin structure,” “Maintenance,” “Probable Maximum Flood (PMF),” “Probable Maximum Precipitation (PMP),” “Project,” “Project purpose,” “Reservoir,” “Restoration,” “Service areas” and “Water dependent” to support the proposed amendments to Chapter 105. The proposed rulemaking would delete and replace the term “PMF.”

“Abandonment” is proposed to be added as a defined term. This term is used extensively in Chapter 105, but has not been previously defined. The identification of the discontinued construction, or operation and maintenance of a dam, water obstruction or encroachment is crucial to provide a clear understanding of the term as it is used in this chapter. The addition of this definition would provide further clarity to the meaning and use of the term in Chapter 105 as opposed to how this term is interpreted to constitute deactivation from service under the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration regulations in 49 CFR 192.3 (relating to definitions) and 49 CFR 192.727 (relating to abandonment or deactivation of facilities).

“Aquatic resources” is proposed to be added to support the proposed amendments to §§ 105.15 (relating to environmental assessment) and 105.20a. This term is defined as “regulated waters of this Commonwealth” to provide a more convenient use of the terminology in the proposed revisions. This proposed term would also serve the additional purpose of building a bridge between the Department and Corps regulatory programs for coordination purposes under section 17(d) of the act.

“Aquatic resource functions” is proposed to be added as a new definition to support amendments to this chapter, including amendments to § 105.20a. This new definition identifies ecosystem services that result from the chemical, physical, or biological processes that occur in “aquatic resources” as defined in § 105.1, including hydrologic, biogeochemical and habitat functions as recognized under current environmental principles and practices. This terminology is used in the Department’s functional assessment protocol and compensatory mitigation technical guidance documents and for coordination purposes with the Corps under the 2008 Compensatory Mitigation for Losses of Aquatic Resources final rule at 73 FR 19594.

This proposed rulemaking would add the definition “Aquatic resource impacts.” This new definition would be added to support the proposed amendments to §§ 105.13(e)(1)(x) (relating to regulated activities—

information and fees) and 105.20a. The terms direct and indirect impacts are already defined in the Department’s environmental assessment form instructions (3150-PM-BWEW0017) and the term secondary impacts is already defined under the factors the Department will consider when making a determination of impact under § 105.14(b)(12) (relating to review of applications). Aquatic resource impact assessments do not refer to evaluations or assessments of protected water uses made under Chapter 93.

“Conservation district” is proposed for addition to clearly identify a delegated conservation district is one that has authority under section 3 of the Conservation District Law (3 P.S. § 851(c)) in this Commonwealth to administer and enforce all or a portion of the program covered under delegation from the Department.

“Crop production” is proposed to be added to § 105.1. This term was previously included in § 105.12(a)(7) (relating to waiver of permit requirements), but moved to § 105.1, as the term is used in other sections of Chapter 105.

This proposed rulemaking would amend the definition of “Cross section” to provide clarity and consistency for all regulated waters of the Commonwealth covered by this chapter.

This proposed rulemaking would define “Groin structure.” This term is proposed for addition to identify a specific structure used for controlling wave action, shore erosion or for trapping and accumulating sand. The term is predominately used for the activities in and along the Lake Erie shoreline, and in the context of submerged lands license agreements.

“Incremental dam breach analysis (IDBA)” is proposed to be amended to add the acronym to the term, since this acronym is used elsewhere in this proposed rulemaking.

“Levee” is proposed to be amended to correct a reference to the term watercourse.

“Maintenance” is proposed to be added as a defined term to identify that periodic activities may be conducted to preserve the condition of a dam, water obstruction or encroachment as authorized by the Department. This new definition provides further clarity for the regulated community and general public as the term is used frequently throughout this chapter.

This proposed rulemaking would delete “PMF.” The Board proposes to add a new definition of “Probable Maximum Flood (PMF)” to replace this definition.

“Probable Maximum Flood (PMF)” is proposed to be added as a new defined term to include precipitation data from site-specific studies when such studies are available as opposed to just data from the National Oceanographic and Atmospheric Administration (NOAA). This would enable the use of alternative studies that are available. This term would replace the current definition of “PMF.”

This proposed rulemaking would add “Probable Maximum Precipitation (PMP)” to identify the depth of precipitation for dam safety design purposes. This proposed definition would specify that the PMP may be derived from using the Department’s most recently published Probable Maximum Precipitation Study for Pennsylvania or by completion of a detailed site-specific study.

“Project” is proposed to be added as a new defined term to clearly identify the geographic area of the site which needs to be considered when a proposed or existing dam, water obstruction or encroachment is being considered.

“Project purpose” is proposed to be added as a defined term to clarify that an applicant must provide a description of the proposed structures and activities that may impact aquatic resources, for which the applicant is seeking a permit authorization, and the necessity for the proposed project to be located in or in close proximity to aquatic resources.

This proposed rulemaking would add the term “Reservoir.” This term is already defined in section 3 of the act (32 P.S. § 693.3), used extensively in this chapter and is distinguishable as a certain type of jurisdictional body of water.

This proposed rulemaking would add the term “Restoration.” This term is already used in Chapter 105 and would be added to support the existing permit waiver for restoration activities under § 105.12(a)(16) and proposed amendments to § 105.15 regarding the information requirements for projects proposing the restoration of aquatic resources.

“Service areas” is proposed to be added as a defined term to support proposed language under § 105.20a(b) and (c) regarding the siting of compensatory mitigation.

The proposed rulemaking would amend the existing definition “Stormwater management facilities” to improve applicability, provide clarity and update the terminology used for man-made stormwater management facilities.

“Water dependent” is a new proposed defined term to support proposed amendments and the existing use of the term in this chapter. The term is proposed for addition to § 105.1 since it is used in multiple sections and would clarify the demonstration that an applicant needs to make as part of a permit application when proposing a dam, water obstruction, encroachment in or in close proximity to aquatic resources.

The proposed rulemaking would amend and update the existing definition “Wetland functions” to include other aquatic resource functions that may be recognized using current scientific principles.

§ 105.3. *Scope*

Proposed subsection (b) would update current elevation data for Lake Erie and allow for the incorporation of future updates from the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Geodetic Survey (NGS) International Great Lakes Datum elevation criteria.

§ 105.4. *Delegation to local agencies*

Proposed subsections (b) and (e) would be amended to incorporate the authorization of general permit registrations. These proposed amendments would more accurately reflect the terminology that is used for permits and registrations and distinguish that water obstruction and encroachment permits may be issued or general permit registrations may be authorized depending on the level of delegation.

§ 105.12. *Waiver of permit requirements*

The Board is proposing to amend subsection (a) to revise or clarify existing waivers and add permit waivers for certain low impact structures and activities. The addition of the proposed waivers for certain low impact structures and activities would enable the Department to more effectively and efficiently utilize its resources, while enabling those structures and activities to be conducted without delay. The proposed structures and activities eligible for waiver under this subsection would be required to comply with requirements of the act and this

chapter. Subsection (b) is proposed to be revised to provide further clarity. The Board proposes to revise current subsection (c) to add criteria to limit eligibility for a structure or activity to qualify for a waiver in subsection (a). Proposed subsection (d) would be added to retain the current requirements of existing subsection (c).

Subsection (a) is proposed to be amended to clarify existing waivers and add permit waivers for certain low impact structures and activities. Amendments would also make eligibility for a waiver under subsection (a) subject to the new proposed eligibility criteria in subsection (c) and compliance with this chapter under new subsection (d).

Subsection (a)(1) is proposed to be amended to include the formal title of the Pennsylvania Fish and Boat Commission.

Subsection (a)(2) is proposed to be amended to provide a waiver for a water obstruction or encroachment in a stream or floodway with a drainage area of 100 acres or less. This existing waiver is proposed to be amended to ensure that the water obstruction or encroachment does not impede flow or aquatic life passage. The amendments to subsection (a)(2) would further specify that a water obstruction or encroachment proposing to impact a wetland in a floodway, or a stream enclosure is not eligible for this waiver.

Subsection (a)(3) is proposed to be amended to include clarifying deletions and additions. The proposed deletion of “nonnavigable” would be addressed through a blanket restriction for the applicability of waivers where otherwise eligible structures and activities would occur in submerged lands of the Commonwealth under new proposed subsection (c). The eligibility restriction for monopoles or single poles with concrete foundations or pilings is proposed to address large diameter structures located in or along a stream or wetland.

Subsection (a)(4) is proposed to be amended to correct the Hazard Potential Classification for mine related dams eligible for a waiver. The current Hazard Potential Classification 3 is an overlooked error and would be corrected to Category 4 to correspond to the new dam classifications established under the 2011 amendments to Chapter 105 published at 41 Pa.B. 219 (January 7, 2011).

Subsection (a)(7) is proposed to be amended to remove the definition of “crop production.” This term was moved to § 105.1 as it is used in other sections of this chapter.

Subsection (a)(9) is proposed to be amended to reference the new proposed term “aquatic resources.”

Subsection (a)(11) is proposed to be amended to provide further clarity regarding use of this waiver to remove dams, water obstructions and encroachments and abandon water obstructions or encroachments. The proposed revisions to this subsection are consistent with section 105.47(b) and (c) and are intended to specify that an applicant can submit an environmental assessment form under § 105.15 to demonstrate eligibility for this waiver.

Subsection (a)(16) is proposed to be amended to incorporate the current requirement for an applicant seeking to conduct restoration activities to provide an environmental assessment under § 105.15.

Subsection (a)(17) is proposed as a new subsection that would allow the construction and maintenance of a streambank fencing conservation practice associated with crop production or a temporary fencing for protection of a conservation planting or practice located in or along a

body of water, along watercourses and along or in their floodways or along a lake, pond or reservoir. This proposed amendment is intended to include protective fencing for riparian buffers. This proposed waiver is not intended for fencing that would collect flood debris or restrict the flow of a body of water or watercourse or that would extend across a stream or watercourse.

Subsection (a)(18) is proposed as a new subsection that would waive authorized water obstruction or encroachment permit requirements for low impact and non-motorized recreational activities such as walking or biking trails with certain specific length and design restrictions. This waiver would require the development and submittal of a plan to the Department for approval and would specify the information that must be provided in the plan submittal.

Subsection (a)(19) is proposed as a new subsection that would waive authorized elevated boardwalks in wetlands when utilized for educational and interpretive purposes. This waiver would require the development and submittal of a plan to the Department for approval and would specify the information that must be provided in the plan submittal.

Subsection (a)(20) is proposed as a new subsection that would waive permit requirements for the temporary emergency placement, operation and maintenance of a water obstruction or encroachment for water withdrawal, including dry fire hydrants for crop production or fire protection. The water obstruction or encroachment for water withdrawal may not alter the bed or bank of the watercourse or body of water. This waiver would not apply to parking or other areas for ancillary activities.

Subsection (a)(21) is proposed as a new subsection that would waive water obstruction or encroachment permit requirements for archeological, geotechnical or environmental testing, monitoring activities, or investigative activities of a temporary nature. This waiver would include boring or placement of sensors to sample or test soil or rock material and other similar activities, but would not apply to parking or other ancillary areas.

Subsection (a)(22) is proposed as a new subsection that would waive the placement, maintenance and removal of temporary mats and pads used as a best management practice for minimizing erosion and sedimentation at wetland crossings. This proposed new subsection would further specify that the wetland must be fully restored to its pre-existing condition after the removal of the temporary mats and pads.

Subsection (b)(1) is proposed to be revised to provide further clarity. This subsection proposes to replace the term "nonnavigable" with submerged lands of this Commonwealth, a defined term in § 105.1.

Subsection (c) is proposed to be revised to add circumstances which would limit the eligibility of a structure or activity for a permit waiver under subsection 105.12(a). The proposed circumstances that would limit eligibility for a permit waiver have been identified by the Department as warranting additional review through the Chapter 105 permitting process due to the Commonwealth's public trustee obligations. See §§ 105.2(4) and 105.21 (relating to criteria for permit issuance; and denial).

Subsection (d) is proposed to be added to incorporate the requirements under existing § 105.12(c). This proposed new subsection would also specify that a structure or activity eligible for a waiver under § 105.12 must be properly designed.

§ 105.13. Regulated activities—information and fees

The proposed amendments to this section would: incorporate updated processes for submitting payment to the Department; provide applicants with the option to submit the disturbance review fee during technical review; clarify the type of dam permit transfers that are subject to the existing fees; eliminate redundancy in the permit application process; and clarify existing requirements regarding what information a project applicant must submit to the Department for review as part of a permit application. The proposed amendments to § 105.13(e) would provide further specificity for applicants regarding existing information requirements such as, the cumulative impact analysis, water dependency demonstration, a stormwater management demonstration, floodplain management consistency, alternatives analysis, antidegradation analysis, impacts analysis and mitigation plan. The proposed amendments to this section would also identify authorized signatories on a Chapter 105 application and add subsection (j), to clearly set forth the seal requirements for geologists and engineers. Subsection (k) is proposed to be amended to specify that the Department has the discretion to waive specific information requirements under this chapter for restoration projects and other similar activities.

Subsection (a) is proposed to be amended to specify that an applicant may submit permit application or registration fees to the Department by check or other forms of payment. Other methods of payment acceptable to the Department would include electronic transactions. Subsection (a) is also proposed to incorporate the use of electronic systems for the submission of applications or registrations.

Subsection (c)(1)(vii) is proposed to be revised to correct the type of dam permit transfers associated with existing fees. The fees in this subsection were initially published in reverse order by error. The fee for a dam permit transfer for dams classified as hazard potential category 1 or 2 under § 105.91 (relating to classification of dams and reservoirs), for which proof of financial responsibility is required under § 105.13b (relating to proof of financial responsibility), is proposed to be \$550. The fee for a dam permit transfer for dams classified as hazard potential category 3 or 4 under § 105.91, for which no proof of financial responsibility is required under § 105.13b, is proposed to be \$300.

Subsection (c)(2)(iii)(A) is proposed to be amended to provide applicants with the option to submit the disturbance review fee to the Department during the technical or eligibility review and specify that the entire disturbance review fee due must be submitted before the Department's decision on a permit application. This subsection is also proposed to be amended to explain how the Department calculates a disturbance review fee for a project. These proposed revisions reflect that the Department works with the applicant to avoid and minimize impacts during the permit application process and are also being proposed to address the practical reality that the scope and purpose of an applicant's proposed project may change after the submission of a permit application and administrative filing fee.

Subsection (d) is proposed to be amended to provide flexibility for applicants regarding permit applications for single projects located in more than one county. This subsection is proposed to be amended to allow for the submission of a single permit application for a single project proposed to be located in more than one county. This proposed amendment would benefit applicants by

eliminating the need for the submission of multiple permit applications with redundant information and additional fees for the same project. A consolidated permit application review for multi-county projects is practical because the Department now has a more efficient means of reviewing Chapter 105 applications through electronic permitting. In addition to better organization of application material for a single project, the Department would benefit in terms of staffing needs for reviewing multi-county projects.

Subsection (e) is proposed to be amended to provide further clarity regarding existing application requirements. In some instances, current subsection (e) contains permit application components that are already required for the Department's review under § 105.14 but lacks specificity as to what information the applicant must submit to the Department as part of a permit application. The proposed revisions by the Board would provide better clarity and organization regarding the information that is required to be submitted, and therefore, would improve the quality of the application submittals to the Department.

Subsection (e)(1) is proposed to be amended to specify that applicants must conduct a field verification of aquatic resources, and identify proposed temporary and permanent structures or activities as part of a permit application submittal for a dam, water obstruction or encroachment. Proposed revisions to § 105.13(e)(1)(i)(G) clarify what cross sections must contain to be acceptable to the Department and would prevent inconsistent application submittals in this respect. Proposed revisions to § 105.13(e)(1)(iii) would specify the manner in which an applicant is required to meet project description requirements and specifically provides information on what demonstration an applicant must provide to show that a project is water dependent. This proposed amendment would set forth that the dependency must be based on the unavailability of practicable alternatives. *Clean Air Council et al. v. DEP*, (“*Clean Air Council*”) 2018 EHB 35, 40 (“[a]n alternative is not really available if it is not practicable.”); see also *Del. Riverkeeper Network v. Sec’y of the Pa. Dep’t of Env’tl. Prot.*, (“*Del. Riverkeeper Network*”) 870 F.3d 171, 183 (3d Cir. 2017).

Subsection (e)(1)(v) and (vi) is proposed to be revised to clarify stormwater management demonstration and floodplain management consistency requirements. These proposed revisions are intended to provide further clarity regarding what the applicant is responsible for submitting as part of a permit application and under what standards the Department will review these demonstrations.

Subsection (e)(1)(vii) is proposed to be amended to specify what information requirements should be included for the risk assessment in coastal zone management areas. The proposed amendment specifies that the applicant include an evaluation of short-term and long-term water elevation changes projected by NOAA.

Subsection (e)(1)(viii)—(xiii) is proposed to be amended to specify what information requirements an applicant must provide as part of the application review process. These particular information requirements have been the subject of frequent technical deficiency letters throughout the history of the Department's implementation of the Chapter 105 program. The proposed amendments would improve the quality of application submittals. The proposed amendments would incorporate existing requirements for a project alternative demonstration for wetlands under § 105.18a(a)(3) and (b)(3) (relating to

permitting of structures and activities in wetlands) and other aquatic resources under § 105.16 (relating to environmental social and economic balancing). The proposed amendments would also require the applicant to consider reasonably foreseeable development within the watershed when assessing alternatives to ensure that impacts are avoided and minimized to the maximum extent practicable.

Proposed amendments to (e)(1)(ix) would specify what information an applicant must include in a mitigation plan and would add a cross reference to other mitigation requirements in § 105.20a. Proposed amendments to § 105.13(e)(1)(x) would provide further specificity regarding what an applicant's impacts analysis must include. The proposed reorganization of this subsection is intended to be consistent with the factors the Department uses to make a determination of impact under § 105.14(b)(1)—(5) and (12) and would incorporate the terms “direct impacts” and “indirect impacts” from the existing environmental assessment form and “secondary impacts” from existing subsection (b)(12) under aquatic resource impacts in proposed § 105.13(e)(1)(x)(D). The new definition of “aquatic resource impacts” is proposed to be added to § 105.1 to support these amendments. The proposed amendments would also clarify that the impacts analysis is not the same as evaluations or assessments of protected water uses made under Chapter 93. Finally, the Board is proposing to add new subparagraphs (e)(1)(xii) regarding antidegradation and (e)(1)(xiii) regarding cumulative impact analysis to incorporate existing factors that the Department evaluates to make a determination of impact under § 105.14(b) into the information requirements section. These proposed additions to § 105.13(e) would provide better clarity and organization for applicants regarding what an applicant's demonstration or analysis must include to meet these existing requirements as part of an application submittal.

Subsection (e)(4) is proposed to be amended to incorporate flexibility for the Department, conservation district or delegated local agency regarding the period for applicants to submit information to remedy incomplete applications or registrations and information requirements. Under this proposed revision, the Department, conservation district or delegated local agency would make a case-by-case determination regarding how long of an extension the applicant should have to remedy an inadequate application or registration submittal. Through the current implementation of the Chapter 105 program, the Department has determined that some incompleteness items do not warrant the current full 60-day period. The proposed revisions to this subsection would help the Department, conservation districts and local agencies process applications in a more efficient manner and avoid backlogs. Applicants would still be able to request a specific extension to the Department, conservation district or delegated local agency, in writing, and would be required to provide justification for the extension as part of a request. The proposed revisions to this subsection would also add a cross-reference to § 105.21.

Subsection (f) is proposed to be revised to clarify what cross sections must contain to be acceptable to the Department and would prevent inconsistent application submittals in this respect.

Subsection (g) is proposed to be revised to more clearly explain the expectation that an applicant for a Chapter 105 permit must provide proof of an application for a permit or erosion and sedimentation control plan under Chapter 102 (relating to erosion and sediment control).

The proposed amendments are intended to reiterate the applicant's obligations to comply with Chapter 102 during the construction, operation, maintenance, modification, abandonment or removal of a dam, water obstruction or encroachment under this chapter.

This proposed rulemaking would amend subsection (h) to consolidate the existing requirements under current subsection (i) since both subsections deal with application signature requirements. This amendment is also intended to incorporate current technology and practices consistent with the Commonwealth's Electronic Transactions Act of 1999 (73 P.S. §§ 2260.101—2260.5101).

Existing subsection (i) is proposed to be deleted. Subsection (i) also involves signature requirements for persons who own or have primary responsibility for a dam, water obstruction or encroachment, and is proposed to be consolidated into subsection (h).

The proposed amendments would reorganize existing subsection (j) as new subsection (i). New subsection (i) is proposed to add a citation to the Commonwealth's Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 148—158.2) for consistency with requirements for professional seals, certifications and signatures and is proposed to add a citation to section 303 of the Electronic Transactions Act (73 P.S. § 2260.303) regarding legal recognition of electronic records, electronic signatures and electronic contracts, for electronically submitted seals, certifications and signatures to be consistent with those requirements.

This proposed rulemaking would add a new subsection (j) to specify what application materials must be submitted to the Department with the affixed seal of a registered professional geologist or engineer as required under Commonwealth law. This new subsection is proposed to also add reference to standards for electronic submission of professional seals, certifications and signatures. This new section is being proposed to eliminate ambiguity regarding what application materials must be submitted with a seal.

Subsection (k) is proposed to be amended to specify that the Department may waive information requirements determined to be unnecessary under the chapter in writing as opposed to just information requirements in this section. The proposed amendments would specify that the Department also has discretion to waive unnecessary information requirements under this chapter for environmentally beneficial projects. The Board is proposing this amendment because environmentally beneficial projects often require similar information which the Department is proposing to incorporate into § 105.15, but have historically encountered delay due to applicants having to address information requirements under this chapter that are not even applicable to these types of projects. By making application preparation and submittal more concise and less burdensome, these types of projects would encounter less delay and the Commonwealth would more expeditiously recognize environmental benefits.

§ 105.13a. Complete applications

Proposed amendments to subsection (a) would specify what the Department, conservation district or other delegated agency determines to be a complete application or registration. The Board is proposing this amendment to eliminate situations where applicants have experienced confusion or misunderstanding regarding what constitutes a complete application or registration.

Proposed revisions to subsection (b) would address inadequate application or registration submittals by applicants. The Board is proposing to provide the Department, conservation districts and other delegated agencies with more flexibility to make case-by-case determinations on how long of an extension an applicant should have to remedy an inadequate application or registration submittal. Through the current implementation of the Chapter 105 program, the Department has determined that some incompleteness items do not warrant the current full 60-day period. This added flexibility would enable the Department, conservation district and other delegated agencies to use resources in a more efficient manner and help ensure that review backlogs do not accrue due to inadequate application submittals. The amendments to this subsection are proposed to require applicants to provide a justification for an extension as part of a request. The proposed revisions to this subsection would also add a cross-reference to § 105.21.

§ 105.13b. Proof of financial responsibility

Section 105.13b is proposed to be amended to add potential environmental risks as a consideration where the Department may require financial assurances, and would also be amended to specify that for dams, water obstructions and encroachments, the Department may require proof of financial responsibility for compensatory mitigation project sites under § 105.20(a), where applicable. The proposed amendments would also add another option for owners of a high hazard dam that presents a substantial risk to life or property to meet proof of financial responsibility requirements under this chapter.

§ 105.14. Review of applications and registrations

Proposed subsections (a) and (b) would be amended to further clarify existing regulations. Subsections (a) and (b)(1) would be amended consistent with sections 2 and 5 of the act. See also § 105.2. The proposed amendments to subsection (b)(6) would clarify that a dam, water obstruction or encroachment must comply with applicable laws administered by other Commonwealth agencies or commissions. The proposed amendment to subsection (b)(7) would specify that the Department will consider whether an alternative location, route or design is practicable during its review of an application. This proposed amendment is consistent with the recent opinions of the Environmental Hearing Board in *Clean Air Council* and the Third Circuit Court of Appeals in *Del. Riverkeeper Network*. Subsection (b)(13) is proposed to be amended to clarify that the Department will evaluate the effects of the proposed project on aquatic resources and their functions when making a determination of adverse environmental impact. The proposed amendments to this subsection would further specify that the Department will evaluate proposed compensatory mitigation demonstrations under § 105.20a for proposed environmental impacts to aquatic resources and their functions.

§ 105.15. Environmental assessment

The Board proposes to add subsection (a)(4) to identify environmental assessment requirements for aquatic resource restoration projects such as a stream or floodplain restoration. Through the implementation of Chapter 105 over the past several years, the Department has discovered a need to differentiate the application requirements for environmentally beneficial projects that reestablish or rehabilitate aquatic resources to their natural characteristics and aquatic resource functions from the application requirements for other projects.

Proposed amendments to subsection (d) would specify that the Department has conducted environmental assessments for the new categories of waivers proposed in § 105.12(a).

§ 105.16. *Environmental, social and economic balancing*

This section, which applies to aquatic resources other than wetlands, is proposed to be amended to add a cross-reference to compensation requirements in § 105.20a.

§ 105.17. *Wetlands*

The Board is proposing to amend paragraph (1) by splitting current subparagraph (iii) into 3 new subparagraphs for clarity. The new subparagraphs will be as follows: new subparagraph (iii) would refer to wetlands associated with wild trout streams; new subparagraph (iv) would refer to wetlands associated with exceptional value streams; and new subparagraph (v) would refer to wetland associated with wild and scenic rivers. Subsequently, current subparagraphs (iv) and (v) are proposed to be renumbered to (vi) and (vii) respectively.

§ 105.18a. *Permitting of structures and activities in wetlands*

Proposed amendments to subsections (a)(7) and (b)(7) would incorporate the title of § 105.20a as proposed to be amended by the Board.

§ 105.20a. *Compensation for impacts to aquatic resources*

Proposed amendments to this section would update the existing compensatory mitigation framework for proposed impacts to aquatic resources and aquatic resource functions that cannot be eliminated. These amendments are proposed to be consistent with section 2 of the act, The Clean Streams Law, existing requirements under this chapter relating to mitigation and current scientific principles and practices. These proposed amendments would generally be consistent with the Corps 2008 Mitigation Rule at 40 CFR Part 230, Subpart J.

Subsection (a) is proposed to be updated to require an applicant to provide compensation for unavoidable impacts to aquatic resources by replacing the aquatic resource functions that will be impacted or by providing substitute resources or environments. Amendments to this subsection are intended to incorporate compensation requirements for watercourses and their floodways, wetlands and other bodies of water into one section. These requirements are found in the definition of mitigation in §§ 105.1, 105.13(e)(ix), 105.16(a), 105.18a(a)(7) and (b)(7) and 105.20a.

The proposed amendments would add “no net loss” of wetlands in subsection (b) consistent with the Department’s longstanding goal and set forth general considerations for siting criteria for service areas in § 105.20(c) for the three types of mitigation sites. Subsection (d) is proposed to be added to specify the compensation information that the applicant will provide for the Department to evaluate as part of a compensatory mitigation determination for impacts to aquatic resources and their aquatic resource functions. In addition, the proposed amendments would add subsection (e) to reference to the Department’s function based aquatic resource compensation protocol (technical guidance 310-2137-001) and aquatic resource assessment protocols (technical guidance 310-2137-002, 310-2137-003, 310-2137-004) and other equivalent methodologies as methodologies that may be used for assessing a project’s proposed effects on aquatic resources and aquatic resource functions. The proposed amendments would clarify that these assessments are not the same as evaluations or assessments of protected water uses made under Chapter 93.

Subsection (f) is proposed to be added to specify monitoring and performance standards for compensatory mitigation to ensure the proper achievement of replacement criteria for aquatic resources and aquatic resource functions.

Subsection (g) is proposed to be added to provide the Department with the authority to require compensatory mitigation at a higher ratio based on the determination of the area or areas affected, the functions destroyed or adversely affected by an unauthorized project and the willfulness of the violation. This subsection is intended to address willful non-compliance with the permitting requirements of this chapter to protect and maintain aquatic resources and aquatic resource functions.

The definitions “aquatic resources,” “aquatic resource functions,” and “aquatic resource impacts” are proposed to be added as definitions in § 105.1 to support these proposed amendments.

§ 105.21. *Criteria for permit issuance and denial*

Section 105.21 is proposed to be revised to provide consistency with updated terminologies and to clarify that issuance or denial of a permit under this chapter constitutes issuance or denial of a CWA section 401 water quality certification as integrated under § 105.15 for structures and activities only seeking authorization from the Corps under section 404 of the CWA or sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. §§ 401 and 403).

§ 105.25. *Transfer of permits*

Proposed amendments to § 105.25 would require the permittee and owner to report a change in ownership of a dam, water obstruction or encroachment to the Department in writing within 30 days of the transfer of ownership; and are also proposed to include the transfer of ownership of a dam not needing permit under this chapter. These proposed amendments to § 105.25 would help the Department track the owner and permittee responsible for operating and maintaining for a dam, water obstruction and encroachment.

§ 105.35. *Charges for use and occupation of submerged lands of this Commonwealth*

This proposed rulemaking would amend § 105.35 to clarify existing requirements and add new categories of activities.

Subsection (a)(1)(ii) is proposed to be amended to clarify that the mooring areas are associated with barge fleeting only; subsection (a)(2) is proposed to be amended to clarify that the \$250 annual charge for occupying submerged lands of this Commonwealth is only applicable to coverage under the general permit, for small docks and boat launching ramps (currently GP-2). These clarifications are proposed to resolve confusion that has arisen during the Department’s implementation of the submerged lands license program regarding structures and activities that are required to pay charges for occupying submerged lands of this Commonwealth.

The proposed addition of subsection (a)(3) is intended to clarify that a groin structure that occupies submerged lands of this Commonwealth in and along the shoreline of Lake Erie would have an annual submerged lands license charge of \$250. Groin structures are generally unique to the Lake Erie shoreline area in this Commonwealth.

Subsections (c)(6) and (7) are proposed to be amended to clarify references; the Board is proposing to add new subsections (c)(8) and (9) to make projects and activities

constructed for the significant benefit of the environment and projects or activities of a temporary nature not to exceed 1 year eligible for exemptions from annual charges.

§ 105.43. *Time limits*

Proposed amendments to subsection (c) regarding dams would delete the existing language and add paragraphs (1)—(3) to provide more clarity regarding the expiration of dam permits unless extended by the Department; specify the notification requirements by the permittee or owner. The Department has determined to revise this section due to confusion that has resulted from dam owners.

§ 105.47. *Removal of dams and removal or abandonment of water obstructions and encroachments*

Subsection (b) is proposed to be amended to specify that the permittee or owner is required to remove a water obstruction or encroachment which may pose a threat to public health, safety or the environment, or that no longer serves a purpose. This language is proposed due to the legacy of abandoned industrial and commercial structures in this Commonwealth's waterways and to ensure that water obstructions or encroachments that may pose a threat are being properly addressed by the owner or permittee. Subsection (c) is proposed to be amended to incorporate reference to public health and property in addition to safety and the environment.

§ 105.53. *Inspections by permittees and inspection reports*

This section is proposed to be revised to add conduit inspection criteria in proposed subsection (a)(3) for Hazard Potential Category 1 and Category 2 dams as classified in § 105.91. Existing subsection (a)(3)—(7) are proposed to be reorganized into subsection (a)(4)—(8).

§ 105.81. *Permit applications for construction and modification of dams and reservoirs*

This section is proposed to be amended to correct a cross-reference by replacing § 105.13(d)(1)(i) with § 105.13(e)(1)(i).

§ 105.82. *Permit applications for operation and maintenance of existing dams and reservoirs*

Subsection (a)(1) is proposed to be amended to correct a cross-reference by replacing § 105.13(d)(1)(i) with § 105.13(e)(1)(i). Subsection (a)(9) proposes to clarify the need for dams constructed or modified after July 1, 1979 to obtain easements.

§ 105.89. *Permit applications for operation and maintenance of existing dams and reservoirs*

This section is proposed to be amended to correct a cross-reference by replacing § 105.13(d)(1)(i) with § 105.13(e)(1)(i).

§ 105.96. *Outlet works*

Section 105.96 is proposed to be amended to clarify criteria for the drawdown rate of reservoirs impounded by earthfill dams, how to determine the drawdown rate and address seepage control along conduits. This section is also proposed to be amended to provide the Department with the discretion to waive one or more of the conditions of this section if necessary.

§ 105.97. *Stability of structures*

Specific Corps design requirements are proposed to be added to § 105.97 for earth fill and concrete dams. Existing subsections (d)(1)—(g)(2) are proposed to be deleted and existing subsection (h) is proposed to be

reorganized as subsection (e). The terminology used in the existing regulation differs from the design requirements set by the Corps which represents the standard in design. The current version of Chapter 105 refers to normal pool and maximum pool while the Corps refers to usual, unusual and extreme pools. The proposed amendments would make this section consistent with the Corps' standard design terminology.

§ 105.98. *Design flood criteria*

Section 105.98 is proposed to be revised to clarify flood ranges and reference incremental dam breach analysis (IDBA). For dams of Hazard Potential Category 1 or 2, the design flood is proposed to be based on the results of an IDBA or in cases where an IDBA is not performed, the design flood shall be the Probable Maximum Flood (PMF). This proposed revision would help clarify the discharge and storage capacity requirements under this section.

§§ 105.121—105.123. *Fishways; drawdown of impounded waters; and restoration of aquatic life*

Proposed amendments to §§ 105.121—105.123 would add formal reference to the Pennsylvania Fish and Boat Commission.

§ 105.134. *EAP*

Proposed amendments would update subsection (a)(4) to specify that the permittee or owner must use the most recent EAP template developed by the Department and PEMA; and that the EAP is required to be uploaded into the online EAP system for submission and acknowledgment of EAPs. Subsection (g) is proposed to be amended to provide further clarity as to when an EAP must be updated.

§ 105.161. *Hydraulic capacity.*

Subsection (a)(3) is proposed to be revised to include reference to geomorphic stability as part of the natural regime of a stream. Subsection (e) is proposed to be revised to remove antiquated references.

§ 105.171. *Maintenance.*

The Board proposes to delete an antiquated reference to the Bureau's former address.

§ 105.245. *Disposal of waste materials.*

The Board proposes to correct an erroneous reference to the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6985).

§ 105.401. *Permit applications*

Proposed amendments to § 105.401 would update application information requirements, including the criteria for discharges of dredged or fill material into aquatic resources. The existing requirements of this section do not explicitly address the location of water supply wells, and certain language in this section is not current or does not reference applicable state requirements. The proposed amendments to paragraph (1) would require project applicants to identify all public water supply wells within a one mile radial distance of proposed project boundaries. The proposed amendments to paragraph (5) would require the applicant to provide a demonstration that dredged or fill material is not contaminated and provides that the applicant may use the Department's Management of Fill Policy (258-2182-773) or other equivalent alternative methodology to make this demonstration. The demonstration must show that the dredged or fill material does not contain a toxic material regulated under section 6 of the Toxic Substances Control Act (15 U.S.C.A. § 2605), a hazardous waste as defined by the Resource Conservation

and Recovery Act of 1976 or a hazardous material as defined by regulation at 49 CFR 171.8 (relating to definitions and abbreviations) that is not included in the Management of Fill Policy in an amount that will cause an adverse impact to human health, safety or the environment. The proposed amendments to this section would also add a new paragraph (6), to limit the quantity of dredged or fill material to the amount necessary to complete the project.

§ 105.411. *General criteria*

Proposed revisions to § 105.411 would incorporate reference to applicable criteria under this chapter and are intended to ensure that adverse impacts to the public health, safety and the environment are nullified.

§ 105.446. *Procedure for issuance*

Subsection (e) is proposed to be amended to provide for the Department to periodically review issued general permits for adequacy and revise, update or revoke a general permit when necessary.

§ 105.451. *Identification and delineation of wetlands—statement of policy*

Proposed revisions to § 105.451 would remove the Bureau's outdated contact information and indicate that the *1987 Corps of Engineers Wetland Delineation Manual* along with regional supplemental guidance can be found online.

§ 105.452. *Status of prior converted cropland—statement of policy.*

This proposed rulemaking would update this section to provide further clarity for coordination with the USDA; update references to the latest version of the *National Food Security Act Manual*; provide for future amendments; and reference terms as used in the *National Food Security Act Manual* regarding determination of prior converted cropland for agricultural crop production purposes. The proposed updates to this section would provide the opportunity for consistency with Federal agency determinations regarding prior converted cropland, including the Corps and the EPA, and to the implementation of best management practices for agricultural crop production purposes.

Proposed revisions to § 105.452 would provide clarifications regarding the Department's implementation of policy regarding prior converted cropland for making wetland determinations. The proposed update also clarifies circumstances where the Department would consider these areas abandoned, reverting to wetlands and therefore subject to this chapter.

F. *Benefits, Costs, and Compliance*

Benefits

The regulated community is expected to benefit from the proposed Chapter 105 regulatory amendments by way of incorporating updated and revised sections and definitions, providing further clarity regarding existing application requirements, updating planning, design, construction, monitoring and maintenance of dams, and updating the compensatory mitigation framework for proposed impacts to aquatic resources and aquatic resource functions that cannot be eliminated.

The incorporation of updated and revised sections and accompanying definitions would provide an opportunity for improved understanding of the requirements under this chapter, foster the submission of better-quality applications by the regulated community, and result in more timely permit decisions by the Department.

The proposed addition of structures or activities eligible for a permit waiver under § 105.12(a) and structures and activities eligible for exemptions from annual submerged lands license charges in § 105.35(c) would provide incentive for trail associations, conservation and environmental groups to undertake low-risk, minimal environmental impact or environmentally beneficial projects, such as trails and educational boardwalks, which would otherwise entail application fees, annual submerged lands charges or both. The addition of a proposed waiver for the temporary emergency placement, operation and maintenance of water withdrawal intakes for crop production or fire protection would eliminate application fee costs for farmers and volunteer fire companies.

The proposed amendment to § 105.13(d) allowing projects crossing county boundaries to be submitted under one permit application or registration would result in additional cost savings for the regulated community. The Department estimates that it receives roughly 25 multi-county projects per year on average based on experience in recent years. Most of these applications are for linear projects from non-governmental entities, such as utilities, and these projects typically span two counties. About 15 of those projects required individual Chapter 105 permit applications. The applicant for an individual permit would save on not having to pay an additional \$1,750 administrative filing fee per county. The Department occasionally receives applications for long linear utility projects that cross several counties, and in those cases, an applicant would save on the cost of the administrative filing fee based on the number of counties the proposed project would be located in. The Department estimates that four projects per year would fall into this category, crossing four counties on average, which would translate to an estimated savings of \$5,250 per application.

This proposed rulemaking would improve compensatory mitigation planning, implementation and management by emphasizing a watershed approach in selecting project locations, requiring measurable environmental performance standards for each form of aquatic resource compensation. This proposed revisions to § 105.20a would address compensation of unavoidable impacts to aquatic resources in a manner that is generally consistent with the 2008 Federal Mitigation Rule by: (1) maintaining a "no net loss" of wetlands requirement; (2) revising siting criteria on a watershed basis; and (3) allowing mitigation banking, in-lieu fee, and permittee responsible mitigation options. The proposed amendments would incorporate the Department's Rapid Assessment and Aquatic Resource Functional Assessment Protocols for compensatory mitigation by reference and allow flexibility for project applicants to submit mitigation proposals using other demonstrated acceptable methodologies. The addition of these guidance documents and methodologies would provide a standardized and predictable process for the regulated community in evaluating the appropriate level of compensatory mitigation needed to offset unavoidable impacts to aquatic resources for a given project. These compensatory mitigation actions are necessary to allow the Department to fulfill its purposes under section 2 of the act and section 4 of The Clean Streams Law to protect, conserve, and improve aquatic resources and their aquatic resource functions.

A survey conducted by the Department in 2006 determined permittee-responsible compensatory mitigation has an average range in cost of \$60,000 to \$90,000 per acre, not including land purchase costs. Adjusted for inflation, that cost ranges from approximately \$78,350 to \$117,520 in 2020. Mitigation costs for stream and floodway impacts

in 2006 ranged in costs from \$400 to \$600 per linear foot. Those mitigation costs in 2020 are estimated to be \$520 to \$785 per linear foot. The availability of mitigation banking and an in-lieu fee mitigation program in this Commonwealth provides the opportunity for an alternative to the permittee in designing, constructing and operating individual mitigation sites, considered as "permittee responsible" mitigation sites. Also, larger scale projects, made possible by mitigation banking and in-lieu fee programs, also provide for greater natural resource improvements. Adding these mitigation options through this proposed rulemaking will reflect updated practices and provide greater flexibility and predictability for applicants. This will translate into time savings for both applicants and the Department while improving natural resources through improved quality of mitigation projects. Potential benefits also exist to social and environmental wellbeing from mitigation banking and in-lieu fee program by restoring historically impaired or impacted aquatic resources, such as removal of legacy sediment.

The proposed addition of § 105.35(a)(3) to revise submerged lands license agreement (SLLA) charges for 26 groin structures in and along the shoreline of Lake Erie would result in the reduction of the annual charge of \$750 to an annual charge of \$250, a savings of \$500 annually. Under the existing regulations, the owners of these groin structures pay \$19,500 in total annual charges. This proposed rulemaking would result in the regulated community paying only \$6,500 in total annual charges, a total savings of \$13,000 annually.

The proposed addition of § 105.35(a)(8) to exempt SLLA charges for projects or activities constructed and operated for the significant benefit of the environment would provide an annual cost savings for the regulated community. The Department estimates that less than 10% of projects require an SLLA and that roughly 7% incur charges. It is infeasible to estimate the cost savings that would be affected by this proposed regulatory change, as the charges are based on the facility area needed to be occupied for long-term operation and maintenance activities.

Costs

The Board is proposing minor regulatory revisions that would have a direct effect on costs to some parties. These revisions include clarifying that the submission of disturbance fees may occur during the Department's permit application review; establishing additional permit waivers for specific water obstructions or encroachments associated with a streambank fencing conservation practice or temporary fencing for the protection of a conservation planting or practice, non-motorized low impact trails, emergency water withdrawals, environmental testing, and erosion and sediment control practices for wetlands; and the exclusion of annual charges for submerged lands license agreement charge exemptions for permittees with projects and activities which consist of construction, implementation, operation or maintenance of an aquatic resource restoration project, agricultural conservation practices, environmental reclamation or remediation, environmental treatment or clean-up; and other similar activities.

The clarification of existing requirements are not expected to result in any substantial indirect cost increase for persons constructing, operating or maintaining a dam, water obstruction or encroachment as most of the amendments are a codification of existing practices that are being provided for clarity, so compliance costs are not expected to increase.

There is an expectation that cost savings would result from providing clarification for improved quality and timeliness of permit application and registration materials; through the elimination of the outdated and unnecessary requirements; and by the addition of activities qualifying for Department permit waivers.

The Board also expects that the financial responsibility of permittees and environmental benefits would both improve by providing an alternative to permittee-responsible mitigation which has been demonstrated to succeed less often due to site and landowner constraints, and perform suboptimally due to smaller size which limits the potential for effective environmental benefits. By amending § 105.20a to update the compensation framework, permit applicants would have improved flexibility to address the compensation of impacted aquatic resources through mitigation banking, in-lieu fee program or permittee responsible mitigation.

Under the Department's enhanced mitigation banking program, mitigation bankers can create, restore, and enhance wetlands and waterways at different sites and then sell the mitigation credits earned at these sites to permit applicants to meet the Chapter 105 mitigation requirements. This allows for timelier application reviews and better controlled and more effective wetland and stream mitigation projects. While 8 acres of wetland mitigation have been approved for the 2018-2019 fiscal year, it is expected that many more acres of wetland mitigation will be approved over upcoming fiscal years as more entrepreneurial bankers become established and permitted. The Department approved one new mitigation bank site in the 3rd quarter of the current fiscal year approving 2,137 linear feet of stream and floodplain restoration and approximately 6 acres of wetlands. The Department also approved two additional mitigation bank sites in the 4th quarter to repair and rehabilitate over 36,600 linear feet of streams and their floodplains, and create, reestablish, rehabilitate or enhance over 38 acres of wetlands. The Department is currently reviewing 6 additional mitigation bank sites (acreage figures not yet available) and it expects to approve in the 4th quarter. Overall, a net positive effect on competitiveness of regulated firms occurs because such policies promote cost-cutting efficiency improvements, which in turn reduce or completely offset regulatory costs, and foster innovation in new mitigation strategies.

The proposed regulatory amendments have the potential to affect any person or entity that is proposing to construct, operate, maintain, modify, enlarge or abandon a dam, water obstruction or encroachment located in, along or across or projecting into aquatic resources. Data on the magnitude and portion of specific number of business entities, including small businesses, required to comply with the proposed amendments is not known. The Department cannot predict with any degree of confidence the number of permit applications or the size, scope or types of proposed projects. Several factors play into this unpredictability, including that; 1) application fees are tied to the number of crossings for some types of projects and are based on impact acreage or per linear footage for other types; 2) the type of Chapter 105 permit/authorization is dependent on eligibility criteria, including whether there are crossings of exceptional value waters; and 3) the activity levels of industry and other regulated entities ebbs and flows with market conditions, contract negotiations and availability of funding.

Compliance assistance plan

The Board will provide the necessary modifications to forms, fact sheets, and technical guidance, and provide supplemental training through webinars, workshops or other public venues.

Paperwork requirements

Most of the revisions to this proposed rulemaking are updates, clarifications, waivers or codifications of existing requirements. The Board envisions that the final-form rulemaking will require less forms, reports or other paperwork. For a minor component of the proposed revisions, the Board anticipates only minor modifications to forms, fact sheets and technical guidance.

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. This proposed rulemaking has incorporated the following pollution prevention incentives.

This proposed rulemaking would address pollution prevention in several ways. One way is by introducing amendments to simplify the environmental assessment requirements for aquatic resource restoration projects, including stream restoration or a floodplain restoration project. These types of projects are of a similar nature and seek to reestablish or rehabilitate aquatic resources to their natural characteristics and aquatic resource functions.

This proposed rulemaking would clarify permit application information and plan requirements, including the mitigation plan, impacts analysis, cumulative impact analysis, water dependency, alternatives analysis, anti-degradation implementation requirements for ensuring the protection, maintenance, reclamation and restoration of aquatic resources.

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 10, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recom-

mendations 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 Board, 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 February 3, 2021. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by February 3, 2021. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments, including the submission of a one-page summary of comments, may be submitted to the Board online, by e-mail, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

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 this proposed rulemaking and a return name and address must be included in each transmission.

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

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

If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

PATRICK MCDONNELL,
Chairperson

Fiscal Note: 7-556. 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 105. DAM SAFETY AND WATERWAY MANAGEMENT

**Subchapter A. GENERAL PROVISIONS
GENERAL**

§ 105.1. Definitions.

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

Abandonment—The discontinued construction, or operation and maintenance of a dam, water obstruction or encroachment by the owner or permittee.

Act—The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27).

* * * * *

Appurtenant works—Structures or materials incident to or annexed to dams or water obstructions which are built or maintained in connection with the dams or water obstructions and are essential to their proper functioning. For dams, the term includes, but is not limited to:

- (i) Structures such as spillways, either in the dam or separate therefrom.
- (ii) Low level outlet works.
- (iii) Conduits such as tunnels, pipelines or penstocks through the dam or its abutments.

Aquatic resource functions—Ecosystem services that result from the chemical, physical, or biological processes that occur in aquatic resources. Except for wetland functions protected under § 96.3(g) (relating to water quality protection requirements), this term does not refer to protected water uses or water quality standards under Chapter 93 (relating to water quality standards). This term includes hydrologic, biogeochemical, and habitat functions that may be recognized using current scientific principles.

Aquatic resource impacts—Changes associated with or resulting from a dam, water obstruction, or encroachment. This term does not refer to evaluations or assessments of protected water uses made under Chapter 93. The term includes the following types:

- (i) **Direct impacts—The filling or draining of an aquatic resource that results in an area loss or the conversion of an aquatic resource to another type such as converting a wetland to a pond or a stream to a reservoir.**
- (ii) **Indirect impacts—Altering the chemical, physical, or biological characteristics of an aquatic resource to the extent that changes to the functions of the resource results.**
- (iii) **Secondary impacts—Changes associated with but not the direct result of the construction or substantial modification of the dam or reservoir, water obstruction or encroachment in the area of the project and in areas adjacent thereto and future impacts associated with dams, water obstructions or encroachments, the construction of which would result in the need for additional dams, water obstructions or encroachments to fulfill the project purpose.**

Aquatic resources—Regulated waters of this Commonwealth, including watercourses, streams, wetlands or other bodies of water and their floodways.

Archaeological site—A known site of archaeological significance based on the Comprehensive State Plan for Conservation of Archaeological Resources. The Comprehensive State Plan is available from the Historic and Museum Commission.

* * * * *

Commercially navigable waters of the Delaware River and its navigable tributaries—Portions of the Delaware River from the Delaware border in the south to the

railroad bridge at Morrisville in the north; the Schuylkill River below Fairmount Dam; Chester Creek below Ninth Street; Crum Creek below the Route 291 (Industrial Highway) Bridge; Darby Creek below 84th Street; Neshaminy Creek below the Route 13 Bridge; Pennypack Creek below the Frankford Avenue Bridge; and Ridley Creek below the Baltimore and Ohio Railroad Bridge in Chester.

Conservation district—As defined in section 3(c) of the Conservation District Law (3 P.S. § 851(c)), the term means the entity which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the categories of water obstructions and encroachments, or all or a portion of the erosion, sediment and stormwater management program covered by the delegation in this Commonwealth.

Construct—To erect, build, place or deposit including preliminary preparation of a site for construction.

Contributory drainage area—Area upstream of a proposed or existing dam, water obstruction or encroachment that contributes runoff to a watercourse.

Course—The path taken by a stream, floodway or body of water.

Crop production—An activity relating to agricultural products. The term includes:

- (i) **Plowing, cultivating, seeding, grazing or harvesting.**
- (ii) **Crop rotation.**
- (iii) **Federal or state government set aside programs.**

Cross section—The area from the top of the bank to the top of the opposite bank of a stream, **floodway** or body of water as cut by a vertical plane passed at a right angle to the course of [the] **a stream, floodway or body of water.**

* * * * *

Freeboard—The vertical distance between the water surface elevation experienced during the design flood and the crest elevation of a dam levee, floodwall or other embankment.

Groin structure—A long, narrow structure built out into the water from the shoreline to control wave action, manage shoreline erosion or trap and accumulate sand that would otherwise drift along the shoreline and nearshore zone.

Height of dam—The vertical measurement expressed in feet as measured from the downstream toe of the dam at its lowest point to the elevation of the top of the dam.

High hazard dam—A dam so located as to endanger populated areas downstream by its failure.

Hydrologic and hydraulic analysis—

- (i) A study of the effects of an encroachment or water obstruction on the flow carrying capacity of a watercourse.
- (ii) A study determining the watershed runoff into a dam and reservoir and the resulting routed outflow from the dam and its spillway structures.

[Incremental dam breach analysis] Incremental Dam Breach Analysis (IDBA)—A process to determine the highest runoff event during which a dam failure would cause a threat to life, health, property or the

environment in areas below the dam in excess of the threat level caused by the same runoff event with no dam failure.

Inundation area—The land area subject to flood waters as the result of failure of a dam.

Letter of Amendment for dams—A letter from the Department amending an existing Dam Permit for major maintenance, repair or improvement projects which do not involve modification to the top-of-dam elevation or modification of the normal pool reservoir elevation.

Letter of Authorization for dams—A letter from the Department approving major maintenance, repair or improvement projects which do not involve modification to the top-of-dam elevation or modification of the normal pool reservoir elevation of a dam which has not been previously permitted by the Department and meets the waiver of permit requirements under § 105.12(b)(1) or (2) (relating to waiver of permit requirements).

Levee—An earth embankment or ridge constructed along a [**water course**] **watercourse** or body of water to confine water within prescribed limits; the term is also known as a dike.

Limited Power and Water Supply Act—The act of June 14, 1923 (P.L. 700, No. 293) (32 P.S. §§ 621—625); and the act of June 14, 1923 (P.L. 704, No. 294) (32 P.S. §§ 591—600), regarding Limited Power Permits and Limited Water Supply Permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of Limited Power Permits of lands owned by the Commonwealth, to the unlawful use for water or steam power developments of dams and changes in streams hereafter constructed or made otherwise than under Limited Power Permits, and to proceedings for the enforcement of this act.

Maintenance—Periodic activities conducted to preserve the condition of a dam, water obstruction or encroachment as authorized by the Department.

Maintenance dredging—Periodic dredging conducted to accomplish one or more of the following purposes:

- (i) Maintain adequate depths for navigation.
- (ii) Assure proper passage of ice and flood flows.
- (iii) Preserve the safety, stability and proper operation of the dam, water obstruction or encroachment.
- (iv) Restore the natural or previously permitted reservoir capacity.
- (v) Restore flood protection projects to original design dimensions.

* * * * *

Owner—A person who owns, controls, operates, maintains or manages a dam or reservoir, water obstruction or encroachment.

[*PMF—Probable maximum flood*—The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in an area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of the most recent data available from the National Oceanographic and Atmospheric Administration (NOAA).]

Parcel—A portion of land formally set forth and described in a conveyance.

Person—

(i) A natural person, partnership, association, corporation, public utility, municipality, municipal authority, political subdivision of this Commonwealth, receiver or trustee and a department, board, commission or authority of the Commonwealth.

(ii) Whenever used in a section prescribing and imposing a penalty or sanction, the term includes the members of an association and the officers of a corporation, municipality or municipal authority.

Political subdivision—A county, city, borough, incorporated town, township, school district, authority or other governmental unit or a combination thereof acting jointly.

Probable Maximum Flood (PMF)—The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in an area. The PMF is derived from the probable maximum precipitation (PMP).

Probable Maximum Precipitation (PMP)—Theoretically, the greatest depth of precipitation for a given duration that is physically possible over a given storm area at a geographic location during a certain time of the year. The PMP may be derived from using the Department's most recently published Probable Maximum Precipitation Study for Pennsylvania or by completion of a detailed site-specific study.

Project—The entire area of the site encompassing a proposed or existing dam, water obstruction or encroachment. The term includes reasonably foreseeable areas planned to contain future dams, water obstructions or encroachments.

Project purpose—A description of the applicant's proposed project and the necessity for the project to be in or in close proximity to aquatic resources.

Public service corporation or public utility—A corporation, association or other corporate body having the powers and privileges of corporations not possessed by individuals or partnerships which entity renders a public utility service. The term does not include a municipality or municipal authority.

* * * * *

Replacement—The construction of a new wetland or restoration of a previously destroyed wetland, or both.

Reservoir—Any basin which contains or will contain the water or other fluid or semifluid impounded by a dam.

Reservoir filling plan—A plan that sets a schedule for the initial filling of the reservoir behind a new dam or the refilling of a reservoir after the rehabilitation of an existing dam.

Restoration—The process of reestablishing or rehabilitating aquatic resources to natural characteristics and functions.

Safety—Security from the risk or threat of significant loss or injury to life, health, property and the environment.

Service areas—Watershed-based geographic areas that are used in siting the location of compensatory mitigation for unavoidable impacts to aquatic resources.

Small projects—Water obstructions or encroachments located in a stream or floodplain which will have an insignificant impact on safety and protection of life, health, property and the environment.

Spillway—A device which safely conveys the design flood of a dam without endangering the dam’s safety or integrity.

Storage capacity—The volume as expressed in acre-feet of the impounded water to the maximum storage level, that is, the top of the dam.

Stormwater management facilities—Manmade measures **[designed and constructed] designed, constructed and maintained** to convey stormwater runoff away from structures or improved land uses, or to control, detain or manage stormwater runoff to avoid or reduce downstream damages. The term includes[, but is not limited to,] transportation and related facility drainage systems and manmade stormwater detention **[basins] facilities, swales and ditches**. The term does not include **swales or ditches that have not been maintained and have developed into watercourses or other bodies of water, including wetlands. The term also does not include** replacement wetlands or major dams and reservoirs constructed for water supply, recreation, river basin flood control or other regional or basin-wide purposes.

Stream—A watercourse.

* * * * *

Watercourse—A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water dependent—The circumstance which requires a dam, water obstruction or encroachment to have access or proximity to, or siting within, aquatic resources to fulfill the basic purposes of the project.

Water obstruction—

(i) A dike, bridge, culvert, wall, wingwall, fill, pier, wharf, embankment, abutment or other structure located in, along or across or projecting into a watercourse, floodway or body of water.

(ii) In the case of ponds, lakes and reservoirs, a water obstruction is considered to be in or along the body of water if, at normal pool elevation, the water obstruction is either in the water or adjacent to and abutting the water’s edge.

Water Obstructions Act—The act of June 25, 1913 (P.L. 555, No. 355) (32 P.S. §§ 681—691), repealed by section 27 of the act of October 23, 1979 (P.L. 204, No. 70) (32 P.S. § 693.27).

Wetland functions—Include[, but are not limited to,] the following:

(i) Serving natural biological functions, including food chain production; general habitat; and nesting, spawning, rearing and resting sites for aquatic or land species.

(ii) Providing areas for study of the environment or as sanctuaries or refuges.

(iii) Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns or other environmental characteristics.

(iv) Shielding other areas from wave action, erosion or storm damage.

(v) Serving as a storage area for storm and flood waters.

(vi) Providing a groundwater discharge area that maintains minimum baseflows.

(vii) Serving as a prime natural recharge area where surface water and groundwater are directly interconnected.

(viii) Preventing pollution.

(ix) Providing recreation.

(x) Other aquatic resource functions pertaining to wetlands that may be recognized using current scientific principles.

Wetlands—Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wild trout streams—A stream identified as supporting naturally reproducing trout populations by the **Pennsylvania** Fish and Boat Commission under 58 Pa.Code § 57.11 (relating to listing of wild trout streams). For a list of wild trout streams, contact the **Pennsylvania** Fish and Boat Commission, [www.fish.state.pa.us] www.fishandboat.com.

§ 105.3. Scope.

(a) The following structures or activities are regulated under the act and section 302 of the Flood Plain Management Act (32 P.S. § 679.302):

* * * * *

(b) For the purposes of this chapter, the Department’s jurisdiction in and along Lake Erie will be defined by the high water elevation of [**572.8**] **573.4** feet International Great Lakes Datum (IGLD) and low water elevation of [**568.6**] **569.2** IGLD. Dams, water obstructions and encroachments constructed between elevation [**572.8**] **573.4** IGLD and elevation [**568.6**] **569.2** IGLD require a permit under section 6 of the act (32 P.S. § 693.6). Dams, water obstructions and encroachments constructed lakeward of elevation [**568.6**] **569.2** IGLD require both a permit under section 6 of the act and a Submerged Lands License Agreement under section 15 of the act (32 P.S. § 693.15). **New or revised IGLD datum is incorporated when established by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA).**

(c) The environmental assessment conducted under this chapter [**is applicable**] **applies** to dams, water obstructions and encroachments for which a permit or approval is required under this chapter.

§ 105.4. Delegations to local agencies.

(a) Under section 17 of the act (32 P.S. § 693.17) and subject to this section, the Department may by written agreement delegate to a county conservation district or other county agency one or more of its regulatory functions including enforcement and the power to permit, inspect and monitor specified categories of water obstructions and encroachments.

(b) No delegation may be made of the authority to issue permits **or authorize registrations** for a water obstruction or encroachment constructed, owned or main-

tained by the Commonwealth, a political subdivision or a public utility. Delegations may be made of the powers to inspect and monitor the activities, if the Department retains final authority to approve or disapprove permits, and concurrent authority to inspect, monitor and enforce the act.

* * * * *

(d) A delegation agreement will:

(1) Specify the powers and duties to be performed by the delegated agency.

(2) Specify the categories of water obstructions and encroachment activities to be covered by the delegated agency.

(3) Provide for the commitment by the delegated agency of sufficient trained staff and resources to perform the powers and duties to be delegated.

(4) Require the delegated agency to maintain records of activities performed under the delegation.

(5) Provide for monitoring and supervision by the Department of performance by the delegated agency of the functions delegated under the agreement.

(e) A [**permit for a**] water obstruction or encroachment **permit** issued **or a registration authorized** by a delegated agency is subject to review by the Department, unless the right of review is waived by the Department. A permit issued **or registration authorized** by a delegated agency shall become effective 30 days following the receipt of notice by the Department of issuance **or authorization**, unless the permit is disapproved by the Department or an appeal is filed with the Department under section 17 of the act.

(f) When the Department delegates one or more of its regulatory functions to a local agency, the Department will retain the concurrent power to inspect and monitor categories of water obstructions and encroachments and to enforce the act and this chapter.

PERMIT APPLICATIONS

§ 105.12. Waiver of permit requirements.

(a) Under section 7 of the act (32 P.S. § 693.7), the requirements for a permit are waived for the following structures or activities, regardless of when commenced, **unless the project does not meet the eligibility criteria in subsections (c) and (d)**. If the Department [**upon**] **on** complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect [**upon**] **on** safety or the protection of life, health, property or the environment, the Department may require the owner of the structure to apply for and obtain a permit under this chapter.

(1) A dam not exceeding 3 feet in height in a stream not exceeding 50 feet in width[, **except**] **and not designated as a wild trout [streams designated] stream** by the **Pennsylvania** Fish and Boat Commission.

(2) A water obstruction **or encroachment** in a stream or floodway with a drainage area of 100 acres or less **that will not impede flow or aquatic life passage**. This waiver does not apply to [**wetlands**] **a water obstruction or encroachment proposing to impact a wetland** located in the floodway, **or to a stream enclosure**.

(3) An aerial crossing of a [**nonnavigable**] stream or wetland by electric, telephone or communications lines

which are not located in a Federal wilderness area or watercourse or body of water designated as a wild or scenic river under the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271—1287) or the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29). This waiver applies to one or more wires attached aboveground to single poles. This does not apply to the maintenance and construction of towers, **single poles with concrete foundations or pilings**, roads or other water obstructions or encroachments.

(4) A dam subject to the requirements of the Mine Safety and Health Administration, 30 CFR 77.216-1 and 77.216-2 (relating to water, sediment or slurry impoundments and impounding structures; identification; and water, sediment, or slurry impoundments or impounding structures; minimum plan requirements; changes or modifications; certification), if the Department determines on the basis of preliminary data submitted by the applicant that the dam is of Size Classification C and Hazard Potential Classification [**3**] **4** as defined in § 105.91 (relating to classification of dams and reservoirs) and is not located in a watercourse or body of water designated as a wild and scenic river under the Wild and Scenic Rivers Act of 1968 or the Pennsylvania Scenic Rivers Act.

(5) A water obstruction or encroachment located in, along, across or projecting into a wetland or impoundment, constructed and maintained for the purpose of treating acid mine drainage, sewage or other waste, if the wetland or impoundment is a treatment facility constructed under a valid permit issued by the Department under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Oil and Gas Act (58 P.S. §§ 601.101—601.605) and the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20).

(6) A water obstruction or encroachment located in, along, across or projecting into a stormwater management facility or an erosion and sedimentation pollution control facility which meets the requirements in Chapter 102 (relating to erosion and sediment control), if the facility was constructed and continues to be maintained for the designated purpose.

(7) Maintenance of field drainage systems that were constructed and continue to be used for crop production. [**Crop production includes:**

(i) **Plowing, cultivating, seeding, grazing or harvesting.**

(ii) **Crop rotation.**

(iii) **Government set aside programs.]**

(8) Plowing, cultivating, seeding or harvesting for crop production.

(9) Construction and maintenance of ford crossings of streams for individual private personal use which require only grading of banks for approach roads and the placement of not more than 12 inches of gravel for roadway stability. Fords may not be used for commercial purposes and shall cross the [**regulated waters of this Commonwealth**] **aquatic resource** in the most direct manner. This waiver does not apply in exceptional value streams as listed under Chapter 93 (relating to water quality standards) or in wild trout streams.

(10) A navigational aid or marker, buoy, float, ramp or other device or structure for which a permit has been issued by the Pennsylvania Fish and Boat Commission under 30 Pa.C.S. § 5123(a)(7) (relating to general boating regulations).

(11) The removal of [abandoned] dams, water obstructions and encroachments [if the Department determines in writing on the basis of data, information or plans submitted by the applicant that the removal of the abandoned dam cannot] or the abandonment of water obstructions and encroachments. The Department will review the applicant's demonstration under § 105.15 (relating to environmental assessment) to determine whether the removal of a dam, water obstruction or encroachment or abandonment of a water obstruction or encroachment may imperil life or property, have a significant effect on coastal resources or have an adverse impact on the environment, and whether the applicant's plans provide for restoration and stabilization of the project area.

(12) The construction, operation or removal of staff gages, water recording devices, water quality testing devices, including, but not limited to, sensors, intake tubes, weirs and small buildings which contain required instruments and similar scientific structures.

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(15) The construction and maintenance of an encroachment or water obstruction on an abandoned mining site, where the Department has issued a notice of intent to forfeit the bond for a mining activity permitted after July 1982.

(16) Restoration activities undertaken and conducted pursuant to a restoration plan and environmental assessment under § 105.15 which [has] have been approved, in writing, by the Department.

(17) The construction and maintenance of a streambank fencing conservation practice associated with crop production, or temporary fencing for the protection of a conservation planting or practice located in or along a wetland, along a watercourse and along or in its floodway or along a lake, pond or reservoir. Fencing may not be constructed of materials that will collect flood debris resulting in the restriction of flow or the creation of a backwater condition and may not be installed in or across a watercourse, pond, lake or reservoir.

(18) The construction, operation and maintenance of a water obstruction or encroachment associated with low-impact and non-motorized recreational activities that include walking, hiking or biking trails under a plan which has been approved, in writing, by the Department. The single span bridge, culvert or other structure must be 75 feet or less in length and must not result in the inundation of adjacent property not in possession of the owner of the water obstruction or encroachment or impede the passage of aquatic life through aquatic resources. This waiver does not apply to stream enclosures. The plan must include:

(i) A detailed description of the proposed structure or activity.

(ii) The specific purpose, goals and objectives of the proposed structure or activity.

(iii) Resource identification information.

(iv) A location map.

(v) A determination or delineation of wetlands and accompanying data sheets.

(vi) Photographs.

(vii) The identification of the preparer and their qualifications.

(19) The construction, operation and maintenance of a walking path with an elevated boardwalk in a wetland for educational and interpretive purposes under a plan which has been approved, in writing, by the Department. The plan must include:

(i) A detailed description of the proposed structure or activity.

(ii) The specific purpose, goals and objectives of the proposed structure or activity.

(iii) Resource identification information.

(iv) A location map.

(v) A determination or delineation of wetlands and accompanying data sheets.

(vi) Photographs.

(vii) The identification of the preparer and their qualifications.

(20) The temporary emergency placement, operation and maintenance of a water obstruction or encroachment for water withdrawal related to crop production or fire protection if no alteration of the bank or bed of the watercourse, lake, pond, or reservoir is needed. This includes the placement, operation and maintenance of dry fire hydrants. This waiver is not eligible for use in wetlands and does not apply to parking or other areas for ancillary activities.

(21) Archeological, geotechnical or environmental activities where testing, monitoring or scientific investigations are of a temporary nature, not to exceed 1 year, including boring or placement of sensors to sample or test soil or rock material and other similar activities. This waiver does not apply to parking or other areas for ancillary activities.

(22) The placement, maintenance and removal of temporary mats and pads used for minimizing erosion and sedimentation at a wetland crossing. The wetland must be fully restored to its pre-existing condition.

(b) The requirements for a permit for existing structures or activities, as provided in section 6(c) of the act (32 P.S. § 693.6(c)), are waived for the following structures or activities, if construction was completed prior to July 1, 1979. If the Department [upon] on complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect [upon] on safety or the protection of life, health, property or the environment, the Department may require the owner of the structure or activity to apply for and obtain a permit under this chapter.

(1) [A dam not exceeding 5 feet in height in a nonnavigable stream operated and maintained for water supply purposes] A dam operated and maintained in a stream for water supply purposes,

which does not exceed 5 feet in height and does not occupy submerged lands of this Commonwealth.

(2) A dam which the Department determines, on the basis of preliminary data submitted by the applicant, is of Size Category C and Hazard Potential Category 4, as defined in § 105.91 (relating to classification of dams and reservoirs) and does not have a significant effect on coastal resources or an adverse impact on the environment.

(3) A fill not located on navigable lakes and navigable rivers.

(4) A streambank retaining device.

(5) A stream crossing other than a crossing located on submerged lands of this Commonwealth and a crossing by pipelines for conveyance of petroleum products and gas.

(6) An outfall, headwall or water intake structure.

(7) A culvert, bridge or stream enclosure on a watercourse where the drainage area above the culvert, bridge or stream enclosure is 5 square miles or less.

(c) [Structures and activities shall meet the construction, operation, maintenance, monitoring and other requirements of this chapter. No other permits which may be required under a law other than the act are waived by this section.] A structure or activity is not eligible for a permit waiver under subsection (a) above if one of the following circumstances apply:

(1) The structure or activity will occupy submerged lands of the Commonwealth, except for a structure or activity constructed, operated and maintained by a Commonwealth agency or commission.

(2) The structure or activity is located within an area which serves as a habitat of a threatened or endangered species protected by the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543) or for a species which has been designated as a threatened or endangered species under the Wild Resource Conservation Act (32 P.S. §§ 5301—5314), 30 Pa.C.S. (relating to Fish and Boat Code) or 34 Pa.C.S. (relating to Game and Wildlife Code).

(3) The structure or activity is located within an area of historic, cultural, or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historical Places or the National Register of Historical Places.

(4) The structure or activity is located within an area officially approved or recognized by a political subdivision as a local historical site.

(d) A structure or activity eligible for a permit waiver under this section must be properly designed, constructed, operated, maintained and monitored and otherwise must meet the requirements of this chapter. No other permits which may be required under a law other than the act are waived by this section.

§ 105.13. Regulated activities—information and fees.

(a) Application **or registration** for permits under this chapter **[shall] must** be submitted to the Department,

in writing **[, upon] or electronically, on forms or through electronic systems** provided by the Department. Applicants are encouraged to request a meeting with the Department prior to submission of **[their applications] an application or registration**. An application for a permit, registration for a general permit, request for permit amendment, major or minor letter of amendment or authorization, major dam design revision, environmental assessments, permit transfer or annual dam registration under this chapter shall be accompanied by a check **or other method of payment acceptable to the Department** for the applicable fees except for submissions by Federal, State, county or municipal agencies or a municipal authority.

(b) Fees collected by the Dam Safety Program and Water Obstruction and Encroachment Program, including delegations to local agencies, will be deposited into a restricted revenue account known as the Clean Water Fund and utilized to offset the operating costs to implement respective programs.

(c) The fees are as follows:

(1) *Dams based on size and hazard potential category as defined in § 105.91 (relating to classification of dams and reservoirs).*

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(vi) *Environmental assessment review fees for nonjurisdictional dams, letters of amendment or letters of authorization.*

Size Category	Fee
A	\$1,400
B	\$1,000
C	\$900

(vii) *Transfer of dam permit as required under § 105.25 (relating to transfer of permits).*

Type of Dam Permit Transfer	Fee
<u>[No Proof of Financial Responsibility Required] Hazard Potential Category 1 and Category 2 dams as classified under § 105.91</u>	\$550
<u>[Proof of Financial Responsibility Required] Hazard Potential Category 3 and Category 4 dams as classified under § 105.91</u>	\$300

(viii) *Annual dam registration fees as required under § 105.131a (relating to annual dam registration).*

Size Category	Hazard Potential Category			
	1	2	3	4
A	\$1,500	\$1,500	\$800	\$0
B	\$1,500	\$1,500	\$800	\$0
C	\$1,500	\$1,500	\$800	\$0

(A) Annual registration fees are due by July 1 of each year.

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(2) *Water obstructions and encroachments.*

<i>Fee Title/Type</i>		<i>Fee</i>
<i>Water Obstruction and Encroachment Permit Application Fees</i>		
Joint application	Administrative filing fee (* plus applicable disturbance review fees)	\$1,750
<i>General Permit</i>		<i>Registration Fees</i>
GP-1	Fish habitat enhancement structures	\$50
GP-2	Small docks and boat launching ramps	\$175
GP-3	Bank rehabilitation, bank protection and gravel bar removal	\$250
GP-4	Intake and outfall structures	\$200
GP-5	Utility line stream crossings	\$250
GP-6	Agricultural crossings and ramps	\$50
GP-7	Minor road crossings	\$350
GP-8	Temporary road crossings	\$175
GP-9	Agricultural activities	\$50
GP-10	Abandoned mine reclamation	\$500
GP-11*	Maintenance, testing, repair, rehabilitation or replacement of water obstructions and encroachments	\$750
GP-15*	Private residential construction in wetlands	\$750
* Disturbance review fees added to application, registration or other fees where applicable		
Permanent disturbance	Waterways, floodways/floodplains and wetlands per tenth acre, minimum 0.1 acre	\$800
Temporary disturbance	Waterways, floodways/floodplains and wetlands per tenth acre, minimum 0.1 acre	\$400
<i>Other Fees not Added to Initial Application or Registration Fees</i>		
	Environmental assessment for waived activities (§ 105.12(a)(11) and (16) per § 105.15(d) (relating to environmental assessment))	\$500
	Major amendment to Water Obstruction and Encroachment Permit*	\$500
	Minor amendment to Water Obstruction and Encroachment Permit	\$250
	Transfer of permit with Submerged Lands License Agreement (SLLA)	\$200
	Transfer of permit without SLLA	\$100

(i) Small projects require a joint application for a Water Obstruction and Encroachment Permit and follow the same fee requirements.

(ii) Additional General Permit registration requirements are as follows:

(A) General Permit registration for GP-11 and GP-15 also requires disturbance review fees when applicable.

(B) Conservation districts may charge additional review fees in accordance with section 9(13) of the Conservation District Law (3 P.S. § 857(13)).

(C) Registration fees for coverage under a General Permit issued under Subchapter L (relating to general permits) not otherwise specified in this section will be established in the General Permit. The applicability of the disturbance review fees will also be established in the General Permit.

(iii) Disturbance review fees are calculated by [**individually**] adding all of the **individual** permanent and temporary impacts to waterways, floodways, floodplains and bodies of water including wetlands, **rounding this sum** to the next highest tenth acre and multiplying the

permanent and temporary impacts by the respective fees [**and then these amounts are added to the other applicable fees**].

(A) [**The disturbance review fees are added to the joint application administrative filing fee, applicable General Permit registration fees and major amendments to Water Obstruction and Encroachment Permits**] **Submission of the disturbance review fee to the Department may occur during the technical or eligibility review and the entire disturbance review fee due must be submitted before the Department's decision on a permit application or registration. The disturbance review fee shall consist of the largest total area of disturbance to aquatic resources as determined during the final permit application or registration review.**

(B) If a permit applicant is subject to payment of royalties to the Commonwealth under 58 Pa. Code § 51.92 (relating to royalty rates), the disturbance review fees are not required for the area of disturbance subject to the royalty payment.

(iv) Environmental Assessment for waived activities fee applies to use of the waivers at § 105.12(a)(11) and (16).

Environmental Assessment for these waivers is required under § 105.15(d) [**(relating to environmental assessment)**].

* * * * *

(vi) A major amendment of an existing Water Obstruction and Encroachment Permit, permit authorization or water quality certificate before its expiration is an amendment that is not a minor amendment.

(d) A single application may be submitted, or a single permit may be issued for multiple structures and activities which are part of a single project or facility or part of related projects and facilities, located in a single county **or multiple counties**, constructed, operated or maintained by the same persons. When a single application covers multiple structures or activities other than a single structure and related maintenance dredging, the application fee shall be the sum of fees in subsection (c) for the applicable structures and activities. Water obstructions and encroachments located within a single county **or multiple counties** shall be treated as a single structure or activity, but the application fee shall be the sum of fees for each water obstruction and encroachment.

(e) An application for or a registration of a permit must be accompanied by **the following** information, maps, plans, specifications, design analyses, test reports and other data specifically required under this chapter and additional information as required [**under**] by the Department to determine compliance with this chapter.

(1) [**For all permit applications, except small projects, this information includes, but is not limited to, the following**] **Permit applications for a dam, water obstruction or encroachment, except a permit application for a small project in subsection (f), must include the following information:**

(i) *A site plan.* A site plan must include:

(A) A complete demarcation of the floodplains and [**regulated waters of this Commonwealth**] **aquatic resources** on the site. The wetlands shall be identified and delineated in accordance with the Department's Wetland Delineation Policy in § 105.451 (relating to identification and delineation of wetlands—statement of policy). **The demarcation of aquatic resources, including wetlands, must be verified through on-the-ground investigation or must otherwise be field-verified. Copies of FEMA floodplain maps must be included for the project, when the project is located in areas where FEMA maps have been prepared.**

(B) Existing roads, utility lines, lots, other manmade structures and natural features such as contour lines and drainage patterns.

(C) Proposed **temporary and permanent** structures or activities included in the project, which [**shall**] **must** be identified by labeling.

(D) A **minimum** scale of one inch equals 200 feet or larger **that adequately illustrates the scope of work proposed.**

(E) A north arrow.

(F) The name of the persons who prepared the plan, and the date and name of the applicants.

(G) [**A cross sectional view**] **Cross sections** of the [**regulated waters**] **aquatic resources** to be impacted [**before and after the structure or activity is con-**

structed]. **The cross sections must show the current or existing conditions and the proposed conditions of the aquatic resources. The cross sections must be provided at a minimum scale of one inch equals 20 feet so that the cross sections adequately illustrate the scope of work proposed.**

(ii) *A location map.* The location map must be of a scale factor of 1:24000 (standard U.S.G.S. Topographic Map). The location map must show [**all natural features including the names and boundaries of regulated waters of this Commonwealth, natural areas, wildlife sanctuaries, natural landmarks, political boundaries, locations of public water supplies and other geographical or physical features including cultural, archeological and historical landmarks within 1 mile of the site. U.S.G.S. maps may be reviewed at County Conservation District Offices or obtained by writing to United States Geological Survey Map Distribution, Box 25286 Federal Center, Denver, CO 80225.**]:

(A) Topographic features.

(B) Names of aquatic resources.

(C) Locations of public water supplies.

(D) Names and boundaries of natural areas, wildlife sanctuaries and political jurisdictions.

(E) Names and locations of natural, cultural, archaeological and historical landmarks within 1 mile of the site.

(iii) *Project description.* A narrative of the project shall be provided which includes [**, but is not limited to**]:

(A) A description of the proposed [**structure or activity**] **structures and activities.**

(B) [**The**] **A narrative discussion of the** project purpose.

(C) [**The**] **A narrative discussion of the** effect the project will have on public health, safety or the environment.

(D) A [**statement**] **narrative discussion and analysis** on water dependency. [**A project is water dependent when the project requires access or proximity to or siting within water to fulfill the basic purposes of the project**] **Water dependency must be based on the demonstrated unavailability of any practicable alternative location, route or design and the use of location, route or design to avoid or minimize the adverse impact of the dam, water obstruction or encroachment upon the environment and to protect the public natural resources of this Commonwealth.**

(iv) *Color photographs.* Color photographs of the proposed site, [**shall**] **including the location of all proposed or existing dams, water obstructions and encroachments, must** be submitted. The [**photos**] **photographs** must accurately depict the project area and provide a relative scale of the project to the surrounding area [**and a**]. **A map showing the location and orientation of each photograph must also be included.**

(v) *Stormwater management* [**analysis. If a watershed stormwater management plan has been prepared or adopted under the Storm Water Management Act (32 P.S. §§ 680.1—680.17), an analysis of**

the project's impact on the Stormwater Management Plan and a letter from the county or municipality commenting on the analysis shall be included]. A demonstration that the project is consistent with the Storm Water Management Act (32 P.S. §§ 680.1—680.17) and that any associated Post Construction Stormwater Management (PCSM) plan meets the requirements under § 102.8 (relating to PCSM requirements).

(A) If a watershed stormwater management plan has been prepared or adopted, and is current under the Storm Water Management Act (32 P.S. §§ 680.1—680.17) and a letter commenting on the project's consistency with that plan has been provided by the county or municipality, that letter must be included as part of the application.

(B) If a PCSM plan was prepared under § 102.8 (relating to PCSM requirements), the applicant must reference the corresponding Department Chapter 102 permit or permit application. The Department will use the PCSM plan for the analysis under this section.

(vi) Floodplain management [analysis] consistency. If the proposed dam, water obstruction or encroachment is located within a floodway delineated on a FEMA map, include an analysis of the project's impact on the floodway delineation and water surface profiles and [a letter from], when provided by the county or municipality, a letter commenting on the analysis as part of the application. When a dam, water obstruction or encroachment is being proposed by a Commonwealth agency, a political subdivision of the Commonwealth or a public utility, the floodplain management plan must be consistent with the Flood Plain Management Act (32 P.S. §§ 679.101—679.601) and Chapter 106 (relating to floodplain management).

(vii) Risk assessment. If the stormwater or the floodplain management analysis conducted in subparagraphs (v) and (vi) indicates increases in peak rates of runoff or flood elevations, include a description of property and land uses which may be affected and an analysis of the degree of increased risk to life, property and the environment. For coastal zone management areas, include an evaluation of short-term and long-term water elevation changes projected by the National Oceanic and Atmospheric Administration.

(viii) Alternatives analysis. [A] An alternatives analysis is a detailed analysis of onsite and offsite alternatives to the proposed [action] dam, water obstruction or encroachment, including alternative locations, routings or designs to avoid or minimize adverse environmental impacts. The alternatives analysis must meet the following criteria:

(A) The level of detail required must be commensurate with the anticipated environmental impact.

(B) A project alternative that may impact a wetland must demonstrate with reliable and convincing evidence that the requirements under § 105.18a(a)(3) and (b)(3) (relating to permitting of structures and activities in wetlands) will be met.

(C) A project alternative that may impact aquatic resources other than a wetland must include a reliable and representative demonstration consistent with § 105.16 (relating to environmental, social and economic balancing).

(D) The analysis must identify present conditions and the effects of reasonably foreseeable future development within the affected body of water, including a wetland, wetland complex, or watercourse upstream and immediately downstream of the proposed dam, water obstruction or encroachment.

(E) A dam, water obstruction or encroachment must be designed, constructed, operated and maintained to assure adequacy and compliance with this chapter, taking into account reasonably foreseeable development within the watershed.

(ix) Mitigation plan. [Actions to be taken in accordance with the definition of mitigation in this chapter] When an applicant or the Department identifies impacts to aquatic resources, the applicant must provide statements, plans, maps or other materials demonstrating that the impacts have been avoided and minimized to the maximum practicable extent. If impacts to aquatic resources are identified and cannot be avoided or minimized, the applicant must provide a plan to compensate for the impacts under the mitigation requirements of this chapter consistent with § 105.20a (relating to compensation for impacts to aquatic resources).

(x) Impacts analysis. A detailed analysis of the [potential impacts, to the extent applicable, of the] proposed project [on water quality, stream flow, fish and wildlife, aquatic habitat, Federal and State forests, parks, recreation, instream and downstream water uses, prime farmlands, areas or structures of historic significance, streams which are identified candidates for or are included within the Federal or State wild and scenic river systems and other relevant significant environmental factors. If a project will affect wetlands the project description shall also include:

(A) A narrative of the delineation process supported by the appropriate data sheets and copies of appropriate soil maps and descriptions from soil conservation service soil surveys. Soil conservation service soil surveys may be obtained from the county conservation district offices.

(B) An analysis of whether the wetland is exceptional value as classified in § 105.17 (relating to wetlands).

(C) A statement on water dependency. A project is water dependent when the project requires access or proximity to or siting within water to fulfill the basic purposes of the project.] impacts. This analysis is not an assessment or evaluation of protected water uses or water quality standards performed under Chapter 93. This analysis must address the following:

(A) Potential threats to life or property created by the dam, water obstruction or encroachment.

(B) Potential threats to safe navigation created by the dam, water obstruction or encroachment.

(C) The effect of the dam, water obstruction or encroachment on the property or riparian rights of owners upstream, downstream or adjacent to the project.

(D) Aquatic resource impacts. The direct, indirect and secondary impacts of the construction, modification or operation of the dam, water obstruction

or encroachment on aquatic resources and aquatic resource functions, including impacts on flow regime and ecology, water quality, stream flow, fish and wildlife, aquatic habitat, public water supplies, instream and downstream water uses and other relevant significant environmental factors.

(E) Other impacts. The direct, indirect and secondary impacts of the dam, water obstruction or encroachment on nearby local, Federal and State forests or parks, recreation, natural areas, wildlife sanctuaries, prime farmlands, areas or structures of National, State or local cultural, historical or archeological significance, streams which are identified candidates for or are included within the Federal or State wild and scenic river systems, recreational areas and other relevant significant environmental factors.

(xi) When a project will affect a wetland, the project description, narrative discussion and analysis on water dependency must also include:

(A) A narrative of the delineation process supported by the appropriate information, including data sheets and copies of appropriate soil maps and descriptions from USDA Natural Resource Conservation Service soil surveys.

(B) The type, size, a description of wetland functions, an analysis of whether the wetland is exceptional value as classified in § 105.17 (relating to wetlands), and a demonstration that satisfies the requirements contained in § 105.18a (relating to permitting of structures and activities in wetlands).

(xii) Antidegradation. A demonstration must be provided that the proposed project is consistent with State antidegradation requirements under this chapter and Chapters 93, 96 and 102 (relating to water quality standards; water quality standards implementation; and erosion and sediment control) and the Clean Water Act (33 U.S.C.A. §§ 1251—1376).

(xiii) Cumulative impact analysis. A permit applicant shall provide a projectwide cumulative impact analysis using available resources, which assesses the cumulative impact of the project and other reasonably foreseeable or existing dams, water obstructions or encroachments on wetlands. The applicant's analysis must identify piecemeal impacts and the impacts on each wetland resource in the proposed project area and must consider the wetland resource as part of a complete and interrelated wetland area. The applicant must demonstrate that the proposed project, along with other potential or existing dams, water obstructions or encroachments, does not result in an impairment of the Commonwealth's wetland resources under § 105.18a(a)(6) or a major impairment of the wetlands under § 105.18a(b)(6).

(2) An application for a project which will affect less than 1 acre of wetland where the wetland is not exceptional value wetland shall also include a description of functions and values of the existing wetlands to be impacted by the project, as defined in § 105.1.

(3) An application for a project which may have an effect on an exceptional value wetland or on 1 or more acres of wetland must also include an assessment of the wetland functions and values using a methodology accepted by the Department and a survey, conducted by a

licensed professional land surveyor, of the wetland boundary as delineated and of the property lines of the parcel where the project is located.

(4) When the Department, **conservation district** or delegated local agency determines that an application or registration is incomplete or **[contains insufficient information to determine] inadequate to demonstrate** compliance with this chapter, it will notify the applicant in writing. The applicant shall have **[60 days] a specified period, as stated by the Department in writing**, to provide the information necessary to complete the application or registration **and provide the information necessary to demonstrate compliance with this chapter. [Thereafter,] If the applicant does not submit the items for completeness or additional information to demonstrate compliance with this chapter**, the Department, **conservation district** or delegated local agency **[will] may either** consider the application **or registration** to be withdrawn by the applicant **[. Requests for] or deny the application or registration under § 105.21 (relating to criteria for permit issuance and denial). An applicant may request a specific extension [may be sought by the applicant] in writing, setting forth the need for the extension. The Department, conservation district or delegated local agency will confirm or reject the applicant's request for a time extension in writing.** The applicant will be notified in writing when an application or registration is considered withdrawn **or denied**. When an application or registration is considered withdrawn, the Department, **conservation district** or delegated local agency will close the application file and will not take **further** action to review the **[file] application or registration. The Department, conservation district or delegated local agency will evaluate an application or registration under the criteria in § 105.21 after the applicant has submitted additional completeness and information items in the time period provided by the Department.**

(5) If the application has been withdrawn **[in accordance with] or denied under** paragraph (4), the fees associated with filing the application will not be refunded.

(f) A permit application for **a small [projects] project** located in **[streams] a stream or [floodplains] floodplain** must be accompanied by the following information. This permit application may not be used for **[projects] a project** located in **[wetlands] a wetland**. If **[upon] on** review the Department determines that more information is **[required] necessary** to determine whether a small project will have an insignificant impact on safety and protection of life, health, property or the environment, the Department may require the applicant to submit additional information and processing fees required under this chapter.

* * * * *

(2) **[A cross sectional view. A cross sectional view of the affected regulated waters of this Commonwealth before and after the structure or activity is constructed] Cross sections. The upstream and downstream cross sections must show the current or existing conditions and the proposed conditions of aquatic resources. The cross sections must be provided at a minimum scale of one inch equals 20 feet so that the cross sections adequately illustrate the scope of work proposed.**

(3) A location map. A map showing the geographic location of the project. U.S.G.S. topographic maps, FEMA maps or municipal maps are acceptable. **[FEMA and municipal maps may be obtained from local government offices. U.S.G.S. maps may be reviewed at county conservation district offices or obtained by writing to United States Geological Survey Map Distribution, Box 25286 Federal Center, Denver, CO 80225.]**

(4) Project description. A narrative of the project shall be provided which includes, but is not limited to:

- (i) A description of the proposed structure or activity.
- (ii) The project purpose.
- (iii) The effect the project will have on public health, safety or the environment.
- (iv) The project's need to be in or in close proximity to water.

(5) Color photographs. Color photographs of the proposed site must be submitted. The **[photos] photographs** must accurately depict the project area and provide a relative scale of the project to the surrounding area **[and a]**. **A map showing the location and orientation of each photograph must also be included.**

(g) **[Except for small projects, an] An** application for a permit under this chapter **[shall] must** be accompanied by proof of an application for **[an Earth Disturbance Permit] a permit** or an erosion and sedimentation control plan **[for activities in the stream and earthmoving activities] under Chapter 102 (relating to erosion and sediment control)**. The **erosion and sedimentation control** plan must conform to requirements **[in] under** Chapter 102 **[(relating to erosion and sediment control)]** and, **unless reviewed by the Department,** must include a copy of a letter from the conservation district in the county where the project is located indicating that the **conservation district has reviewed the erosion and sediment control plan [of] provided by the Chapter 102 permit** applicant and considered it to be satisfactory, if applicable. **[Earthmoving] Earth disturbance** activities, including small projects, **[shall] must** be conducted **[pursuant to an earth disturbance] under an erosion and sediment control plan that satisfies Chapter 102 requirements. The erosion and sediment control plan must be available at the project site. Best management practices required under the erosion and sediment control plan must be implemented and maintained before, during and after construction.**

(h) An application **[shall] must** be **signed and** submitted by the person who owns or has primary responsibility for the proposed dam or reservoir, water obstruction or encroachment. **In the case of a partnership, one or more members of the partnership authorized to sign and submit on behalf of the entire partnership shall sign and submit the application. In the case of a corporation, the president or vice president and the treasurer, assistant treasurer, secretary or assistant secretary authorized to sign on behalf of the corporation shall sign and submit the application. In the case of a political subdivision, the chief officer of the political subdivision or other responsible official empowered to sign for the political**

subdivision shall sign and submit the application. If an application is submitted by a person with primary responsibility for the structure or activity, the owner of a dam or reservoir, water obstruction or encroachment will not thereby be relieved of legal duties or responsibilities for the structure or activity as imposed by the act or this chapter. **An applicant may electronically sign and submit an application to the Department, consistent with the Electronic Transactions Act of 1999 (73 P.S. §§ 2260.101—2260.501).**

[(i) An application shall be signed by the owners of the dam or reservoir, water obstruction or encroachment, or the persons exercising primary responsibility for the dam or reservoir, water obstruction or encroachment. In the case of a partnership, one or more members of the partnership authorized to sign on behalf of the entire partnership shall sign the application. In the case of a corporation, it shall be signed by the president, vice president or other responsible official empowered to sign for the corporation. In the case of a political subdivision, it shall be signed by the chief officers of the political subdivision or other responsible official empowered to sign for the political subdivision, with the seal affixed and attested by the clerk.

(j) **(i) Plans, specifications and reports accompanying [applications] an application** for any category of **[dams] dam,** or for **[bridges] a bridge** and other water **[obstructions] obstruction** or **[encroachments which] encroachment** that would pose a threat to human life or substantial potential risk to property **[shall], must** be affixed with the seal of a registered professional engineer and a certification, signed by the registered professional engineer **consistent with the requirements under the Commonwealth's Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 148—158.2) or, if submitted electronically, consistent with the requirements under 73 P.S. § 2260.303 (relating to Legal recognition of electronic records, electronic signatures and electronic contracts),** which **[shall] must** read as follows:

"I (name) do hereby certify pursuant to the penalties of 18 Pa.C.S.A. Sec. 4904 to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications and reports has been prepared in accordance with accepted engineering practice, is true and correct, and is in conformance with Chapter 105 of the rules and regulations of the Department of Environmental Protection."

(j) The following application materials must be affixed with the seal of a registered professional geologist or engineer consistent with the requirements under the Commonwealth's Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 148—158.2), or if submitted electronically, consistent with the requirements under section 303 of the Electronic Transactions Act (73 P.S. § 2260.303):

(1) Plans, specifications, reports and other information that accompanies an application for a dam or levee, or other type of water obstruction or encroachment, that details geologic borehole locations, profiles, logs and interpretations.

(2) A report on coastal geology concerning bluff and beach erosion and subsequent transportation and deposition of sediment, if applicable.

(k) The Department may waive the specific information requirements of this [section] chapter in writing[, in the record of decision,] if [upon review of the permit application,] the Department finds that the specific information is not necessary to [review the application] ensure compliance with this chapter. This waiver of specific information requirements includes information related to the restoration of aquatic resources and other activities which protect the natural ecosystem characteristics and aquatic resource functions.

(l) The Department will review the adequacy of the fees in this [section] chapter at least once every 3 years and provide a written report to the [EQB] Environmental Quality Board. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it will contain recommendations to adjust fees to eliminate the disparity, including recommendations for regulatory amendments.

§ 105.13a. Complete applications and registrations.

(a) An application or registration for a permit is complete when the necessary information is provided and requirements under the act and this chapter have been satisfied by the applicant or registrant and verified by the Department, conservation district or other delegated agency. A complete application or registration is one that meets both of the following:

(1) Satisfies principal completeness requirements.

(2) Contains information that is necessary to demonstrate compliance with the Act, the Clean Streams Law and this chapter, including the identification of all proposed impacts to aquatic resources.

(b) When the Department, conservation district or other delegated agency determines that an application or registration is incomplete or [contains insufficient information] substantially inadequate, it will notify the applicant in writing. The applicant [shall have 60 days] will be provided a specified period from the date of [the Department's letter] a Department, conservation district or other delegated agency notification to complete the application or registration and to provide the information necessary for the Department, conservation district or other delegated agency to determine compliance with this chapter. If the applicant fails to complete the application or registration or fails to provide the necessary information, the Department [will], conservation district or other delegated agency may either consider the application or registration to be withdrawn[. Requests for] or deny the application or registration under § 105.21 (criteria for permit issuance and denial). An applicant may request a specific extension [shall be submitted by the applicant] in writing, setting forth the need for the time extension. The Department, conservation district or other delegated agency will confirm or reject in writing the applicant's request for a specific extension. The applicant will be notified in writing when an application or registration is considered withdrawn or denied. The Department, conservation district or delegated local agency will evaluate an application

or registration under the criteria in § 105.21 after the applicant has submitted additional completeness and information items in the time period provided by the Department. If the applicant chooses to reapply [for a permit] or re-register, a new complete application or registration and fee will be required.

§ 105.13b. Proof of financial responsibility.

For continued operation and maintenance of all existing Hazard Potential Category 1 or Category 2 dams, as classified in § 105.91 (relating to classification of dams and reservoirs), and water obstructions or encroachments which present a substantial potential risk to life [or], property, or the environment; and as a requirement for approval of a permit under this chapter for a Hazard Potential Category 1 or Category 2 dam, and water obstruction or encroachment which presents a substantial potential risk to life [or], property, or the environment, the Department will require proof of financial responsibility or security assuring the proper construction, repair, operation and maintenance, inspection and monitoring and removal, if necessary, of the facility or project. For dams, water obstructions or encroachments, the Department may require proof of financial responsibility or security to assure the proper construction, repair, operation and maintenance, inspection and monitoring of a compensatory mitigation project site under § 105.20a.

(1) As proof of responsibility or security, the Department may require one or more of the following:

(i) A certificate of public convenience from the Public Utility Commission if the owner of the proposed facility is subject to regulation under 66 Pa.C.S. (relating to Public Utility Code).

(ii) Ownership or management of the facility or project by an agency of the Federal, State, county or municipal government or of an interstate compact.

(iii) A bond or other legal device of a form acceptable to the Department, payable to the Commonwealth, which guarantees proper construction, repair, operation and maintenance, inspection and monitoring, and removal, if necessary, of the facility or project. The amount of bond or legal device must be sufficient to cover the costs of entry, repair, correction, operation, maintenance, inspection, monitoring or removal of the facility or project by the Commonwealth in the event of failure of the owner to comply with orders of the Department, terms and conditions of the permit, this chapter and the act and section 302 of the Flood Plain Management Act (32 P.S. § 679.302).

(iv) Enrollment and continued good standing in the Commonwealth's Private Dam Financial Assurance Program (PDFAP) established under section 1603-N of the act of June 22, 2018 (P.L. 281, No. 42), known as the Fiscal Code (72 P.S. § 1603-N).

(2) The Department may, upon review, request an increase in the amount of the bond or other legal device noted in paragraph (1)(iii) as necessary to ensure that sufficient funds are available. The Department may not increase this amount more than once every 10 years unless the facility is being modified by permit.

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§ 105.14. Review of applications and registrations.

(a) An application or registration will be reviewed under this chapter to determine the proposed project's

effect on life, health, safety, property and the environment, [in accordance with] with an adequate margin of safety, using prevailing practices in the engineering profession, and in accordance with current scientific and environmental principles and practices.

(b) In reviewing an application or registration for a permit [application] under this chapter, the Department will use the following factors, when applicable, to make a determination of impact:

(1) Potential threats to [life or property] life, health, safety, property, or the environment created by the dam, water obstruction or encroachment.

(2) Potential threats to safe navigation created by the dam, water obstruction or encroachment.

(3) The effect of the dam, water obstruction or encroachment on the property or riparian rights of owners upstream, downstream or adjacent to the project.

(4) The effect of the dam, water obstruction or encroachment on regimen and ecology of the watercourse or other body of water, water quality, stream flow, fish and wildlife, aquatic habitat, instream and downstream uses and other significant environmental factors.

(5) The impacts of the dam, water obstruction or encroachment on nearby natural areas, wildlife sanctuaries, public water supplies, other geographical or physical features including cultural, archaeological and historical landmarks, National wildlife refuges, National natural landmarks, National, State or local parks or recreation areas or National, State or local historical sites.

(6) Compliance by the dam, water obstruction or encroachment with applicable laws administered by the Department, the Pennsylvania Fish and Boat Commission, other Commonwealth agencies or commissions and the river basin commissions created by interstate compact.

(7) The extent to which a project is water dependent and thereby requires access or proximity to or siting within water to fulfill the basic purposes of the project. The dependency must be based on the demonstrated unavailability of any practicable alternative location, route or design and the use of location, route or design to avoid or minimize the adverse impact of the dam, water obstruction or encroachment upon the environment and protect the public natural resources of this Commonwealth.

(8) Present conditions and the effects of reasonably foreseeable future development within the affected watershed upstream and downstream of the dam, water obstruction or encroachment:

(i) A dam, water obstruction or encroachment shall be designed, constructed and operated to assure adequacy and compliance with this chapter, taking into account reasonably foreseeable development within the watershed.

(ii) In assessing the impact of future development upon a dam, water obstruction or encroachment, the Department may require the applicant to submit data regarding estimated development potentials and municipal, county and regional planning related to the affected watershed.

(9) Consistency with State and local floodplain and stormwater management programs, the State Water Plan and the Coastal Zone Management Plan.

(10) Consistency with the designations of wild, scenic and recreational streams under the Wild and Scenic

Rivers Act of 1968 (16 U.S.C.A. §§ 1271—1287) or the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29) [, including identified 1-A candidates].

(11) Consistency with State antidegradation requirements [contained in] under this chapter and Chapters 93 [, 95], 96 and 102 [(relating to water quality standards; wastewater treatment requirements; and erosion and sediment control)] and the Clean Water Act (33 U.S.C.A. §§ 1251—1376).

(12) Secondary impacts associated [with] with, but not [the direct result of] directly resulting from, the construction or substantial modification of the dam or reservoir, water obstruction or encroachment in the area of the project and in areas adjacent thereto and future impacts associated with dams, water obstructions or encroachments, the construction of which would result in the need for additional dams, water obstructions or encroachments to fulfill the project purpose.

(13) For dams, water obstructions or encroachments located in, along, across or projecting into [a wetland as defined in § 105.1 (relating to definitions), aquatic resources, including wetlands, the Department will [also consider the impact on the wetlands values and] evaluate the effects of the proposed project on aquatic resources, including aquatic resource functions, in making a determination of adverse [impact] environmental impact. The Department will evaluate whether the proposed compensatory mitigation demonstration under § 105.20a provides adequate compensation for the proposed environmental impacts.

(14) The cumulative impact of this project and other potential or existing projects. In evaluating the cumulative impact, the Department will consider whether numerous piecemeal changes may result in a major impairment of the wetland resources. The Department will evaluate a particular wetland site for which an application is made with the recognition that it is part of a complete and interrelated wetland area.

(c) In reviewing a permit application under § 105.11(c) (relating to permit requirements) and section 6(c) of the act (32 P.S. § 693.6(c)) for the operation and maintenance of an existing dam, water obstruction or encroachment, the Department will use the following factors:

(1) Potential threats to life, property or safe navigation created by the continuing operation or maintenance of the project.

(2) Adverse impact on stream flow, water quality or the environment which might be reduced or mitigated by reasonable changes in the operation of the project.

(3) Compliance of the operation and maintenance of the project with applicable laws administered by the Department, the Pennsylvania Fish and Boat Commission, other state agencies and commissions and the river basin commissions created by interstate compact.

(d) The Department may review a permit application for the operation and maintenance of existing projects without regard to the design criteria and construction requirements in Subchapters B—J. If the Department finds that an existing dam, water obstruction or encroachment is unsafe or adversely affects property or the environment, it may consider application of criteria and requirements reasonably necessary to correct the conditions.

§ 105.15. Environmental assessment.

(a) A person may not construct, operate, maintain, modify, enlarge or abandon the following categories of structures or activities until an Environmental Assessment has been approved in writing by the Department. The Environmental Assessment must be on a form provided by the Department and include the following information:

(1) For dams, water obstructions or encroachments permitted under this chapter, the Department will base its evaluation on the information required [**by**] **under** § 105.13 (relating to permit applications—information and fees) and the factors included in § 105.14(b) (relating to review of applications) and this section.

(2) For dams, water obstructions or encroachments located in, along or projecting into a wetland for which a permit is not otherwise required under this chapter, the Department will base its evaluation on the information required [**by** § 105.13(d)] **under** § 105.13(e) and the factors included in § 105.14(b) and this section.

(3) For dams located in, along or projecting into an exceptional value water as defined in Chapter 93 (relating to water quality standards) for which a permit is not otherwise required under this chapter, the Department will base its evaluation on the information required [**by**] **under** the factors included in Chapter 93 and §§ [105.13(d)] 105.13(e) and 105.14(b) and the following information submitted by the applicant:

- (i) The surface area of the impoundment.
- (ii) The height of the dam.
- (iii) The mean depth and maximum depth of the stream at the location of the dam.
- (iv) A description of the release structure.
- (v) The rate of a conservation release.
- (vi) The design of bypass structures.
- (vii) The use of the dam.
- (viii) The material used for construction of the dam.

(4) For restoration of aquatic resources, the Department will base its evaluation on the following information:

(i) A detailed project description that includes the specific purpose, goals and objectives of the restoration project.

(ii) A project plan which includes:

- (A) Resource identification and data.**
- (B) A location map.**
- (C) A determination or delineation of wetlands and accompanying data sheets.**
- (D) Watercourse reports.**
- (E) Photographs.**
- (F) Identification of the plan preparer.**
- (G) Qualifications of the plan preparer.**

(iii) A description of aquatic resources at the project site.

(iv) For surface waters, other than wetlands, as defined in § 93.1 (relating to definitions), provide the resource type, size, designated and existing uses of surface waters under Chapter 93.

(v) For wetlands, provide the type, size, a description of wetland functions, an analysis of whether wetlands at the project site are exceptional value as classified in § 105.17 (relating to wetlands), and a demonstration that satisfies the requirements contained in § 105.18a (relating to structures and activities in wetlands).

(vi) Information related to historic and modern land uses. This includes a demonstration and identification of historic and modern impacts on or degradation of aquatic resources, as applicable.

(vii) An impacts analysis identifying the anticipated aquatic resource restoration improvements and benefits, including water quality, aquatic habitat, floodway and floodplain re-establishment, reconnection to groundwater and wetlands restoration.

(viii) Plans, cross sections, an erosion and sediment control plan, geomorphic measurements and analyses, geologic characteristics and geotechnical data, paleo-aquatic or target ecosystem characterization, identification of existing constraints such as upstream channel instability, potential sediment contributions and need for transition zones and other factors which may constrain restoration capacity.

(ix) Other relevant information, data or analyses pertaining to the restoration site that the applicant would like the Department to consider in its evaluation.

(b) For structures or activities where water quality certification is required under section 401 of the Clean Water Act (33 U.S.C.A. § 1341), an applicant requesting water quality certification under section 401 shall prepare and submit to the Department for review, an environmental assessment containing the information required [**by**] **under** subsection (a) for every dam, water obstruction or encroachment located in, along, across or projecting into the regulated water of this Commonwealth.

(c) Based on the results of the environmental assessment required under subsection (a), the Department may require the applicant to undertake further studies and submit additional information, analyses and reports as found necessary by the Department.

(d) The environmental assessment has been conducted by the Department for all general permits, categories of structures and activities listed in [§ 105.12(a)(1)—(10) and (12)—(15)] § 105.12(a)(1)—(10), (12)—(15) and (17)—(21) (relating to waiver of permit requirements). The environmental assessment has also been conducted for the structures or activities listed in § 105.12(b) or for which water quality certification has been granted for a Nationwide permit regulating the structure or activity and the environmental assessment requirements have been deemed satisfied.

§ 105.16. Environmental, social and economic balancing.

(a) If the Department determines that there may be an impact on natural, scenic, historic or aesthetic values of the environment, the Department will consult with the applicant to examine ways to reduce the adverse environmental impact. If, after consideration of mitigation measures **and consistency with § 105.20a (relating to compensation for impacts to aquatic resources)**, the Department finds that the adverse environmental impact will occur, the Department will evaluate the public ben-

efits of the project to determine whether the public benefits outweigh the environmental harm.

* * * * *

(e) This section does not apply to dams, water obstructions or encroachments located in, along, across or projecting into wetlands. These structures or activities will be evaluated under §§ 105.17 and 105.18a—[105.20] 105.20a.

§ 105.17. Wetlands.

Wetlands are a valuable public natural resource. This chapter will be construed broadly to protect this valuable resource.

(1) *Exceptional value wetlands.* This category of wetlands deserves special protection. Exceptional value wetlands are wetlands that exhibit one or more of the following characteristics:

(i) Wetlands which serve as habitat for fauna or flora listed as “threatened” or “endangered” under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), the Wild Resource Conservation Act (32 P.S. §§ 5301—5314), 30 Pa.C.S. (relating to [the] Fish and Boat Code) or 34 Pa.C.S. (relating to [the] Game and Wildlife Code).

(ii) Wetlands that are hydrologically connected to or located within 1/2-mile of wetlands identified under subparagraph (i) and that maintain the habitat of the threatened or endangered species within the wetland identified under subparagraph (i).

(iii) Wetlands [that are] located in or along the floodplain of the reach of a wild trout stream [or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, or wetlands within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271—1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29)] and the floodplain of streams tributary thereto.

(iv) Wetlands located in or along the floodplain of waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto.

(v) Wetlands located within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271—1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29).

[(iv)] (vi) Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.

[(v)] (vii) Wetlands located in areas designated by the Department as “natural” or “wild” areas within State forest or park lands, wetlands located in areas designated as Federal wilderness areas under the Wilderness Act (16 U.S.C.A. §§ 1131—1136) or the Federal Eastern Wilderness Act of 1975 (16 U.S.C.A. § 1132) or wetlands located in areas designated as National natural landmarks by the

Secretary of the Interior under the Historic Sites Act of 1935 (16 U.S.C.A. §§ 461—467).

(2) *Other wetlands.* This category includes wetlands not categorized as exceptional value wetlands.

(3) *Permits.* The Department will maintain a list of permit decisions involving wetlands. This list will be a matter of public record and will be available for inspection at the Department’s offices.

§ 105.18a. Permitting of structures and activities in wetlands.

(a) *Exceptional value wetlands.* Except as provided for in subsection (c), the Department will not grant a permit under this chapter for a dam, water obstruction or encroachment located in, along, across or projecting into an exceptional value wetlands, or otherwise affecting an exceptional value wetland, unless the applicant affirmatively demonstrates in writing and the Department issues a written finding that the following requirements are met:

* * * * *

(7) The applicant [shall] **must** replace affected wetlands in accordance with § 105.20a (relating to [**wetland replacement criteria**] **compensation for impacts to aquatic resources**).

(b) *Other wetlands.* Except as provided for in subsection (c), the Department will not grant a permit under this chapter for a dam, water obstruction or encroachment in, along, across or projecting into the wetland which is not an exceptional value wetland, or otherwise affecting the wetland, unless the applicant affirmatively demonstrates in writing and the Department issues a written finding that the following requirements are met:

* * * * *

(7) The applicant [will] **must** replace the affected wetlands to compensate for unavoidable impacts, in accordance with § 105.20a.

* * * * *

§ 105.20a. [**Wetland replacement criteria**] **Compensation for impacts to aquatic resources.**

[(a) Wetlands replacement must meet the following general criteria:

(1) *Area ratio.* The wetland shall be replaced at a minimum area ratio of replacement acres to affected acres of 1:1. The Department may require the area ratio to exceed 1:1 based on a determination of the area affected and the functions and values which will be destroyed or adversely affected by the project. For structures or activities constructed without a permit, and for which mitigation, as defined in § 105.1 (relating to definitions), cannot be achieved, the wetland shall be replaced at a minimum area ratio of 2:1 (replacement acres: affected acres). The Department may require the area ratio to exceed 2:1 based on a determination of the area affected and the functions and values which were destroyed or adversely affected by the project.

(2) *Function and value replacement.* Functions and values that are physically and biologically the same as those that are lost shall be replaced at a minimum ratio of 1:1. The Department may require the functions and values ratio to exceed 1:1 based on the area affected and on the functions and values which will be destroyed as adversely affected by the project and the replacement ratio. For

structures or activities constructed without a permit, and for which mitigation, as defined in § 105.1, cannot be achieved, the wetland shall be replaced at a minimum area ratio of 2:1. The Department may require the area ratio to exceed 2:1 based on a determination of the area affected and the functions and values which were destroyed or adversely affected by the project.

(3) *Siting criteria.* Replacement shall be located adjacent to the impacted wetland unless an alternative replacement site is approved by the Department. Alternative replacement sites will generally not be approved unless the replacement site is located within the same watershed as the wetland being replaced or within the designated boundaries of the coastal zone management area where the loss occurs.

(b) In addition to the general criteria in subsection (a), the Department will use its guidelines entitled “*Design Criteria for Wetlands Replacement*” in making decisions under this section. These guidelines provide for design, flexibility and utilization of best available technology in environmental engineering. These guidelines are available from the Division of Rivers and Wetlands Conservation, Post Office Box 8761, Harrisburg, Pennsylvania 17105-8761.]

The requirements of this section are necessary and proper to carry out the purposes of the act and are consistent with Federal mitigation requirements under section 314(b) of the 2004 National Defense Authorization Act (Pub.L. No. 108-136), section 404 of the Clean Water Act (33 U.S.C.A. § 1344) and the regulations thereunder at 40 CFR Part 230, Subpart J (relating to compensatory mitigation for losses of aquatic resources).

(a) *Compensatory mitigation for a proposed project.* Where the applicant proposing a dam, water obstruction or encroachment demonstrates that impacts to aquatic resources cannot be avoided or further minimized by limiting the degree or magnitude of the proposed project or its implementation, or by rectifying the impact by repairing, rehabilitating or restoring the affected aquatic resources, the applicant must reduce or eliminate the impact through compensatory mitigation by replacing the aquatic resource functions that will be impacted or by providing substitute resources or environments.

(b) *No net loss of wetlands.* The Department will track wetland losses and gains that occur as a result of the implementation of this chapter and ensure that, at a minimum, there is a no net loss of wetland resources within the service areas as identified in subsection (c) as follows.

(c) *Siting criteria for service areas.* An applicant may plan for compensatory mitigation by including a proposal to use a Department approved mitigation bank, in-lieu fee program or permittee responsible mitigation site. Compensatory mitigation for impacts to aquatic resources will generally not be approved unless the compensatory mitigation site is located within the same designated watershed boundaries identified by the Department.

(d) *Compensation factors.* The applicant must provide information for, and the Department will evaluate, the following factors when determining the appropriate amount of compensatory mitiga-

tion for impacts to aquatic resources that cannot be eliminated following subparagraph (i)(A)—(C) of mitigation as defined under § 105.1 (relating to definitions).

(1) The area impacts, including the following aquatic resource impacts under § 105.13(e)(1)(x) (relating to regulated activities—information and fees):

- (i) Direct impacts.
- (ii) Indirect impacts.
- (iii) Secondary impacts.

(2) The aquatic resource functions affected by the proposed project.

(3) The level of effect of the proposed project on the aquatic resource functions.

(4) The ecological and public value of the aquatic resource.

(5) The value of proposed compensatory mitigation actions to reestablish and rehabilitate environmental and aquatic resources.

(e) *Methodologies.* When determining the appropriate amount of compensatory mitigation, an applicant may use the Department’s function based aquatic resource compensation protocol (technical guidance 310-2137-001), as amended, and aquatic resource assessment protocols (technical guidance 310-2137-002, 310-2137-003, 310-2137-004), as amended, or another equivalent alternative methodology acceptable to the Department for assessing a project’s proposed effects on aquatic resources and aquatic resource functions.

(f) *Monitoring and performance standards.*

(1) The permittee must provide a plan to monitor compensatory mitigation which includes:

- (i) The monitoring period and frequency.
- (ii) Site-appropriate performance standards.
- (iii) A means to identify and correct performance deficiencies.

(iv) Assurances for management and long-term protection of the compensation site, including proof of financial responsibility under § 105.13b (relating to proof of financial responsibility), where applicable.

(2) The permittee must monitor for performance deficiencies and implement corrective actions in accordance with a plan approved by the Department.

(3) Compensatory mitigation must be designed to achieve self-sustaining environmental benefits, aquatic resources or aquatic resource functions.

(4) If a permittee transfers ownership or responsibility for a mitigation site, the Department must be notified in writing within 30 days of the transaction. The new owner or responsible party must acknowledge in writing to the Department adherence to the monitoring and performance standards of the plan and all related special conditions of the permit, when applicable.

(g) *Structures or activities constructed without a Department permit.* For structures or activities constructed without a Department permit or registration issued under this chapter, and for which miti-

gation cannot be achieved, the compensatory mitigation as determined previously must be performed at a minimum ratio of 2:1 (replacement area to affected area). The Department may require the ratio to exceed 2:1 based on a determination of the area(s) affected, the aquatic resource functions destroyed or adversely affected by the project and the willfulness of the violation.

PERMIT ISSUANCE, TRANSFER AND REVOCATION

§ 105.21. Criteria for permit issuance and denial.

* * * * *

(c) The Department may not issue a permit to operate and maintain a dam, water obstruction or encroachment constructed without a permit unless one of the following is met:

(1) The Department determines that the structure or activity complies with the standards and criteria of this title, including [**replacement in accordance with compensatory mitigation under § 105.20a (relating to wetland replacement criteria) compensation for impacts to aquatic resources**], and with other laws administered by the Department, the **Pennsylvania** Fish and Boat Commission and river basin commissions created by interstate compact.

(2) The Department determines that the structure or activity does not comply with the standards and criteria of this title and with other laws administered by the Department, the **Pennsylvania** Fish and Boat Commission and river basin commissions created by interstate compact, that the effect on wetlands will be mitigated, and at least one of the following is met:

(i) Restoration would cause destruction of a dwelling occupied by a person who had no role in the planning or construction of the project.

(ii) Restoration may result in more [**long term long-term**] damage than would be caused by allowing the project to remain in place.

(iii) Restoration would be unsuccessful due to material changes in the condition of the site and its surrounding area.

(iv) There are extraordinary circumstances which preclude restoration.

* * * * *

(e) In an appeal from a Department action concerning a permit application to operate and maintain a dam, water obstruction or encroachment, the applicant has the burden of proving that there is no reasonable basis for the Department's action.

(f) Issuance or denial of a permit under this chapter also constitutes concurrent issuance or denial of a Clean Water Act Section 401 water quality certification request under § 105.15 for structures and activities that do not require any Federal authorization other than authorization from the United States Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C.A. § 1344) or sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. §§ 401 and 403) unless the structures or activities qualify for the State Programmatic General Permit program or Nationwide permit coverage and the Department has issued conditional certification or has otherwise waived certification for those categorical structures and activities.

§ 105.25. Transfer of permits.

(a) A permit must be transferred, or notification must be provided to the Department, as follows:

* * * * *

(3) If the owner and permittee are not the same person and there is a change in ownership **of the dam**, but not **of the permittee [of the dam, water obstruction or encroachment]**, the change in ownership must be reported by the permittee to the Department in writing within 30 days **of the transfer of ownership**.

(b) A permit will only be transferred [**upon**] **on** application to and approval by the Department. An application for transfer [**shall**] **must** be submitted on forms provided by the Department.

* * * * *

(e) The original permittee will not be relieved of an obligation to comply with this chapter, the terms and conditions of the permit or an order issued by the Department until the transfer has been approved.

(f) An owner of a dam that does not require a permit shall notify the Department in writing of a change in ownership within 30 days after the transfer of ownership occurs.

[(f) Upon] (g) On receipt of the approved application for transfer, the applicant shall affix the approved application for transfer to the original permit. The approved application for transfer shall become part of, and remain affixed to, the original permit. The Department may prepare a new permit to replace worn or obsolete documents.

SUBMERGED LANDS OF THE COMMONWEALTH—LICENSES AND ANNUAL CHARGES

§ 105.35. Charges for use and occupation of submerged lands of this Commonwealth.

(a) Except as provided in subsections (b) and (c), the following charges apply to the granting of an easement, right-of-way, license or lease to occupy submerged lands of this Commonwealth issued under section 15 of the act (32 P.S. § 693.15) and § 105.32 (relating to projects—proper purpose):

(1) For commercial utility and other dams, water obstructions and encroachments except as listed in subsection (c), annual license charges:

(i) For areas occupied by facilities, \$150 per tenth of an acre.

(ii) For barge fleeting and **barge** mooring areas, \$30 per tenth of an acre.

(iii) Minimum annual charge, \$750.

(2) For private recreation docks, owned and used solely by the owners of adjacent riparian property, unless the project is otherwise authorized by a general permit **for small docks and boat ramps** issued under section 7 of the act (32 P.S. § 693.7), an annual charge of \$250.

(3) For a groin structure in or along the shoreline of Lake Erie, an annual charge of \$250.

(b) Licenses for public service lines crossing or occupying submerged lands of this Commonwealth, issued under section 15 of the act or section 514 of The Administrative Code of 1929 (71 P.S. § 194) are subject to the following schedule of annual charges:

<i>Length of Crossings Charges</i>	
<i>(in feet)</i>	<i>(in dollars)</i>
Less than 500	750
500 to 999	1,500
1000 to 1499	3,000
1500 to 1999	4,500
2000 to 2499	6,000
2500 to 2999	7,500
3000 to 3499	9,000
3500 to 3999	10,500
4000 to 4499	12,000
4500 to 4999	13,500
5000 and over	15,000

(c) Charges may not be imposed under section 15 of the act or section 514 of The Administrative Code of 1929 for the following categories of activities and structures:

* * * * *

(6) A structure or facility constructed and operated exclusively to improve fish habitat, under a cooperative agreement with the Pennsylvania Fish and Boat Commission.

(7) A private recreational dock constructed, operated or maintained under a general permit registration issued under section 7 of the act (32 P.S. § 693.7).

(8) A project or activity constructed and operated for the significant benefit of the environment, including the following:

- (A) Restoration of aquatic resources.
- (B) An agricultural conservation practice.
- (C) Environmental reclamation or remediation
- (D) Environmental treatment or clean-up.
- (E) Other similar activities performed under a Department authorized permit or registration under this chapter.

(9) A project or activity of a temporary nature of 1 year or less, unless the Department authorizes a longer period in writing, for which the site of the project or activity will be fully restored to its previous condition consistent with one or more Department authorized permits or registrations under this chapter.

(d) The annual charges imposed in subsections (a) and (b) may be revised by the [EQB] Environmental Quality Board after approval by the Governor and reasonable notice to the holder of a license issued under this section.

* * * * *

CONSTRUCTION REQUIREMENTS AND PROCEDURES

§ 105.43. Time limits.

(a) The Department will set time limits for the commencement and completion of work under a permit and may set time limits for the commencement and completion of work under a Letter of Amendment or Letter of Authorization issued under this chapter that it deems reasonable and appropriate to carry out the purposes of this chapter.

(b) For water obstruction and encroachments, if the construction is not completed on or before the dates established in the permit, unless extended by the Department in writing, the permit shall become void without further notification by the Department.

(c) [**For dams, unless otherwise stated, if work authorized by the dam permit or other Department approval has not commenced on or before December 31 of the 5th year following permit issuance or other Department approval, the permittee or owner shall notify the Department 6 months prior to the anticipated commencement of work so that the project design can be reassessed and reauthorized in writing. During the design reassessment, the permittee or owner may be required to make revisions due to changes in site conditions, dam classification, new technology or revisions to this chapter. At any time if the permittee or owner does not intend to perform the work, the Department shall be notified in writing and the Dam Permit or Department approval will become void without further notification by the Department.**] For dams, the following apply:

(1) If work authorized under a dam permit or other Department approval has not commenced on or before the date established in the permit or other Department approval, the permit or other Department approval shall become void without further notification by the Department, unless the permittee requests and is granted an extension by the Department in writing.

(2) If work authorized under a dam permit or other Department approval will commence but will not be completed on or before the date established in the permit or other Department approval, unless extended by the Department in writing, the permittee or dam owner shall notify the Department 90 days before the anticipated commencement of work so that the Department can reassess the project design and reauthorize or extend the approval. During the project design reassessment, the Department may require the permittee or dam owner to revise the project design due to changes in site conditions, changes in dam classification, new technology or revisions to this chapter.

(3) If the permittee or dam owner does not intend to perform the work authorized under a dam permit or other Department approval, the Department must be notified in writing. The dam permit or other Department approval will become void on receipt of the notice by the Department, without further notification by the Department.

§ 105.47. Removal of dams and removal or abandonment of water obstructions and encroachments.

(a) If construction work has not been completed within the time specified in the permit or other Department approval and the time limit specified in the permit has not been extended in writing by the Department or if a permit has been revoked for any reason, the permittee or owner shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore [**the regulated waters of this Commonwealth**] aquatic resources to their former condition.

(b) Prior to discontinuing use or abandonment, the permittee or owner of a water obstruction or encroach-

ment covered by this chapter, shall remove all or part of the [facility] **water obstruction or encroachment which poses a threat to public health, safety, property, or environment, or no longer serves a purpose and shall take other actions as necessary to protect the public health, safety, property and the environment [in accordance with] under** a permit or other approval issued by the Department.

(c) The owner of a dam covered by this chapter, shall remove all or part of the facility and take other actions as necessary to protect **public health, safety [and], property, or the environment [in accordance with] under** a permit or other approval issued by the Department.

OPERATION, MAINTENANCE AND INSPECTION

§ 105.53. Inspections by permittees or owners and inspection reports.

(a) The permittee or owner of a dam, water obstruction or encroachment shall inspect the facility and appurtenant works according to the following schedule:

(1) Dams, reservoirs and their appurtenant works shall be inspected at least once every 3 months.

(2) For Hazard Potential Category 1 dams and Category 2 dams as classified in § 105.91 (relating to classification of dams and reservoirs), annual reports regarding the condition of the dam, affixed with the seal of a registered professional engineer and certification, which reads “This is to certify that the above dam has been inspected and the following are the results of the inspection.”, [shall] **must** be submitted to the Department on or before December 31 of each year. [More frequent reports of dam conditions may be required by the Department if, in its discretion,] **The Department may require more frequent reports of dam conditions if** conditions indicate the reports are necessary to assure adequate protection of health, safety and property.

(3) **For Hazard Potential Category 1 and Category 2 dams as classified in § 105.91, internal conduit inspections of all piping systems passing through or under the dam must be performed at least once every 10 years. The inspection must include the outlet conduit, intake, gates, valves and other appurtenant features. A report detailing the conduit inspection must contain color photographs or video and must be submitted to the Department for review within 120 days of the close of the 10-year period. The Department may accept less frequent reports of conduit conditions if the Department determines that conditions indicate an acceptable serviceable life of the conduit remains to assure the adequate protection of health, safety and property.**

[(3)] (4) For local flood protection projects, annual reports regarding the condition of the flood protection facility [shall] **must** be submitted to the Department on or before December 31 of each year.

[(4)] (5) The permittee or owner of a water obstruction or encroachment shall conduct periodic inspections to ensure the safe operation, monitoring and maintenance of the facility in accordance with this title, terms and conditions of the permit and approved operating or monitoring plans.

[(5)] (6) The permittee or owner shall retain records of the inspections, including records of actions taken to

correct conditions found in the inspections. Copies of the records shall be provided to the Department on request.

[(6)] (7) The Department may, through terms and conditions of the permit or by request at any time, require the permittee or owner to submit certified reports regarding the condition of the facility to the Department.

[(7)] (8) For water obstructions and encroachments, in lieu of inspections conducted by the permittee or owner and certified reports submitted by the permittee or owner, the Department may accept reports of equivalent inspections conducted and prepared by governmental agencies. In addition, the Department may accept equivalent inspection reports certified by the permittee or owner and submitted to other governmental agencies.

(b) Regardless of the date of construction of a dam, water obstruction or encroachment or whether it was permitted by the Department or its predecessors, it shall be the duty of the permittee or owner of a dam, water obstruction or encroachment to evaluate the safety of the facility and appurtenant structures and to modify the facility in accordance with the permit requirements of § 105.11 (relating to permit requirements) to ensure the protection of life and property with respect to changed conditions and current safety criteria. If structural or operation modifications are required as a result of the inspection findings, the permittee or owner shall apply for a permit, or request an amendment to an existing permit to perform the modifications.

**Subchapter B. DAMS AND RESERVOIRS
PERMITS, LETTERS OF AMENDMENTS AND
LETTERS OF AUTHORIZATIONS**

§ 105.81. Permit applications for construction and modification of dams and reservoirs.

(a) In addition to the information required under §§ 105.13, 105.13a, 105.13b and 105.15, permit applications under this subchapter for the construction or modification of dams and reservoirs must provide the following information:

* * * * *

(2) Site plan and cross [sectional views] **sections** required under [§ 105.13(d)(1)(i)] **§ 105.13(e)(1)(i)** (relating to permit applications-information and fees).

(3) Construction plans, specifications and design reports to evaluate the safety, adequacy and suitability of the proposed dam, reservoir and appurtenant works in order to determine compliance with this chapter.

* * * * *

§ 105.82. Permit applications for operation and maintenance of existing dams and reservoirs.

(a) In addition to information required under §§ 105.13, 105.13b and 105.15 (relating to permit applications—information and fees; proof of financial responsibility; and environmental assessment), a permit application for the operation and maintenance of existing dams and reservoirs must provide the following information:

(1) Site plan and cross [sectional views] **sections** required under [§ 105.13(d)(1)(i)] **§ 105.13(e)(1)(i)**.

(2) “As built” construction plans, specifications and design reports not already on file with the Department, which show the type, size, height and other pertinent dimensions and features of the existing dam and reservoir and appurtenant works.

* * * * *

(8) The EAP for the dam or reservoir, if completed, or work plan to prepare and submit an EAP in accordance with § 105.134 (relating to EAP).

(9) [**Proof**] **For dams constructed or modified after July 1, 1979, proof** of title or flowage easements for land areas below the top of the dam elevation that is subject to inundation.

(10) Reports of the most recent inspections of the dam conducted by the owner or by the State or Federal government agencies.

* * * * *

§ 105.89. Letters of Amendment and Letters of Authorization for modification of dams and reservoirs.

(a) Projects which do not modify top of dam elevation, normal pool elevation, or normal operation of the pool level may be authorized by Letter of Amendment when the dam has an existing permit or by Letter of Authorization when the dam meets § 105.12(b) (relating to waiver of permit requirements). The permittee or owner shall provide the following information:

* * * * *

(2) In addition to the site plan and cross [**sectional views**] **sections** required under [§ 105.13(d)(1)(i)] **§ 105.13(e)(1)(i)** (relating to permit applications—information and fees), construction plans, specifications and design reports in sufficient detail to evaluate the safety, adequacy and suitability of the proposed dam, reservoir and appurtenant works, and a schedule indicating proposed commencement and completion dates for construction.

(3) For projects involving storage of fluids or semifluids other than water, information concerning the chemical content, viscosity and other pertinent physical characteristics of the fluid or semifluid impounded.

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CLASSIFICATION AND DESIGN CRITERIA FOR APPROVAL OF CONSTRUCTION, OPERATION, MODIFICATION AND MAINTENANCE

§ 105.96. Outlet works.

(a) Dams must include a device to allow the complete draining of the reservoir unless the Department determines that an outlet works is not feasible for a specific dam. At minimum, the device must be sized [**to pass a minimum of 70% of the highest mean monthly inflow at the site plus the capacity to drain the top 2 feet of reservoir storage below normal pool in 24 hours. The highest mean monthly flow shall be determined from statistics of an appropriate stream gage, as approved by the Department, transferred to the dam site by the ratio of the drainage areas. The Department may require an increased size to provide for the integrity of the dam and to protect life and property with an adequate margin of safety.] with a combined capacity to achieve both of the following:**

(1) Drain the top 2 feet of reservoir storage below normal pool in 24 hours.

(2) Convey the reservoir inflow, which must be based on the mean annual flow. The mean annual flow must be determined through use of U.S.G.S. regression equations, from an analysis of stream gages or other Department-approved methodologies.

(b) The maximum drawdown rate for reservoirs impounded by earthfill dams may not exceed 1 foot per day without prior approval by the Department unless a partial or complete drawdown is being conducted under §§ 105.63 and 105.135 (relating to emergency procedures; and dam hazard emergencies). In determining the reasonable time period for drainage of the reservoir, the dam owner, the dam owner's engineer, and the Department may consider, without limitation, the following factors:

(1) The damage potential posed by possible failure of the dam.

(2) The risk and nature of potential failure and the time likely to be available to avert the failure after notice of conditions threatening the safety or stability of the dam.

(3) The purpose of the dam and reservoir.

(4) The capacity and stability of available drainage courses to convey the waters released from the reservoir in the event of emergency drainage.

(5) The influence of rapid drawdown on the stability of the dam, its appurtenant works and the upstream natural slopes of the reservoir.

[(c) Under normal conditions, the maximum rate of drawdown for reservoirs impounded by earthfill dams should not exceed 1 foot per day without prior approval by the Department. Under emergency conditions, the maximum rate of partial or complete drawdown of reservoirs must be approved by the Department, when feasible.

(d)] (c) Each outlet works must include upstream closure, trashrack, [**and**] a means of dissipating the energy of flow at its outlet **and, if applicable, seepage filtering diaphragms** to assure conveyance of flow without endangering the safety and integrity of the dam or the natural environment of the stream.

(d) The Department may waive or modify one or more of the requirements under subsections (a) through (c) to provide for the integrity of the dam and to protect life, health, safety, property and the environment with an adequate margin of safety.

§ 105.97. Stability of structures.

* * * * *

(d) Gravity dams must be demonstrated to be stable [**for the following conditions:**

(1) Normal pool with appropriate uplift pressures, ice loads and silt loads with a factor of safety of 2.0.

(2) Maximum pool with appropriate uplift pressures and silt loads with a factor of safety of 1.7.

(3) Normal pool with appropriate uplift pressures and silt loads under seismic forces produced by the maximum credible earthquake with a factor of safety of 1.3.

(e) For gravity dams, the overturning stability is acceptable when the resultant of all forces acting on the dam is located as follows:

(1) Within the middle third of the structure for normal pool conditions.

(2) Within the middle half of the structure for maximum pool conditions.

(3) Within the structure for earthquake conditions.

(f) For gravity dams, the foundation bearing pressures must be less than or equal to the allowable for no pool, normal pool and maximum pool conditions and less than 133% of the allowable for earthquake conditions.

(g) The factors of safety for earthfill dams or gravity dams must be the higher of:

(1) The factors of safety in subsections (c) and (d).

(2) The factors of safety in the most recent Engineering Manuals developed by the United States Army Corps of Engineers relating to stability of dam structures.] under the most recent engineering manuals developed by the United States Army Corps of Engineers relating to stability of dam structures. The demonstration must use appropriate uplift pressures, ice loads and silt loads.

[(h)] (e) The Department may, in its discretion, consider a revised factor of safety for a class of dams or reservoirs when it can be demonstrated that the factor of safety provides for the integrity of the dams or reservoirs and adequately protects life and property.

§ 105.98. Design flood criteria.

The discharge capacity or storage capacity, or both, must be capable of safely accommodating the recommended design flood for the dam as classified under § 105.91 (relating to classification of dams and reservoirs). [The design flood must be determined by an incremental dam breach analysis. The minimum required design storm duration is 24 hours.] For dams of Hazard Potential Category 1 or 2, the design flood must be based on the results of an IDBA or in cases where an IDBA has not been performed, the design flood must be the PMF. When considered appropriate by the Department, engineering judgment may be used to determine the design flood within the design flood range indicated below for dams of Hazard Potential Category 3 or 4. The classification or damage, or both, resulting from dam failure will determine the design flood within the design flood range.

Classification	Design Flood Range
A-1, A-2, B-1, B-2, C-1, C-2	PMF unless IDBA performed
A-3, B-3	1/2 PMF to PMF
A-4, B-4, C-3	100 year to 1/2 PMF
C-4	50 year to 100 year frequency

PROTECTION AND RESTORATION OF AQUATIC LIFE

§ 105.121. Fishways.

[Upon] On the request of the Pennsylvania Fish and Boat Commission, the permittee shall install and maintain chutes, slopes, fishways, gates or other devices that the Pennsylvania Fish and Boat Commission may require under 30 Pa.C.S. §§ 3501—3505.

§ 105.122. Drawdown of impounded waters.

Impounded waters which are inhabited by fish may not be drawn down except with the written approval of the

Pennsylvania Fish and Boat Commission under 30 Pa.C.S. § 3506 (relating to drawing off or interference with dams or devices).

§ 105.123. Restoration of aquatic life.

If the Department finds that construction of a dam or reservoir has substantially disrupted aquatic life to preclude natural restoration of the stream ecology within a reasonable period, the permittee shall be required to submit and implement a plan to restore the aquatic life of the stream to its prior condition, to the maximum extent possible. The plan shall be subject to review and modification by the Department in consultation with the Pennsylvania Fish and Boat Commission and must include, but not be limited to, the following:

- (1) Placement of bed gravel.
- (2) Stabilization of banks and bed.
- (3) Installation of stream improvement devices.
- (4) Revegetation of stream and banks.
- (5) Stocking of fish and other aquatic life.

OPERATION, MAINTENANCE AND EMERGENCIES

§ 105.134. EAP.

(a) The permittee or owner of an existing or proposed Hazard Potential Category 1, Category 2 or Category 3 dam as classified in § 105.91 (relating to classification of dams and reservoirs) shall develop an EAP to be followed in the event of a dam hazard emergency as defined in § 105.135 (relating to dam hazard emergencies). The EAP [shall] must be submitted to the Department and [approved] acknowledged by the Department and the Pennsylvania Emergency Management Agency (PEMA).

(1) Prior to submitting the EAP for review [or approval], the permittee or owner shall schedule a meeting with the county emergency management coordinators for those counties affected by the dam's failure.

(2) Each submission of the EAP must be signed by the dam permittees or owners, the dam operators, and the county emergency management coordinators for those counties affected by the dam's failure signifying concurrence with the EAP.

(3) In the case of a proposed dam, the EAP [shall] must be [submitted to the Department and] approved by the Department and PEMA prior to commencement of storage of water, fluid or semifluid.

(4) The EAP must be prepared [in accordance with] under the most recent EAP [guidelines] template developed by the Department and PEMA and must be uploaded into the online emergency management planning system.

(b) [Upon approval] On Department and PEMA acknowledgment of the EAP, the permittee or owner shall provide a copy of the [signed approved] acknowledged EAP to the municipal emergency management agencies and the emergency response agencies listed in the EAP.

(c) Within 60 days of the date of the Department's [approval letter] acknowledgment, the permittee or owner shall provide the Department with a written statement certifying that [a signed approved] an acknowledged copy of the EAP has been provided to

each municipal emergency management agency and to each emergency response agency listed in the EAP.

(d) In addition to **[the requirements in] meeting** subsections (a), (b) and (c), the permittee or owner of a Hazard Potential Category 1 or Category 2 dam shall post notices in public locations in areas that may be affected by the failure of the dam. The **[notice] notices** must indicate that copies of the EAP are available for review at the appropriate county and municipal emergency management offices. Also, the **[notice shall] notices must** be posted by the permittee or owner in public places within each political subdivision situated within the inundation area downstream of the dam. The **[notice shall] notices must** be posted in the city, borough[,] and township buildings in the affected municipalities, with the management's permission. Additionally, the **[notice shall] notices must** be posted in locations within **or near** the inundation area, such as [,] post offices, libraries, grocery stores[, or] **and** gas stations, with the management's permission.

(e) Within 60 days of the date of the Department's **[approval] acknowledgment** letter, the permittee or owner shall provide the Department **with** a written statement certifying that the **[notice has] notices have** been posted in the locations listed in the EAP. The permittee or owner shall certify in each subsequent annual inspection report, as required **[in § 105.53(a)] under § 105.53(a)(2)**, that the notices remain posted or were reposted in the locations listed in the EAP.

(f) The EAP shall be reviewed and updated every 5 years or **at** the frequency interval indicated in the most recent EAP **[guidelines] template** developed by the Department and PEMA.

(g) The **[Department may require the] EAP must** be updated [, as necessary, if there is a new owner or operator, if changes occur in the downstream inundation area or in the Hazard Potential Category.] **if either of the following circumstances occur:**

(1) There is a new permittee, owner, owner's representative or operator.

(2) Changes occur in the downstream inundation area or in the Hazard Potential Category.

**Subchapter C. CULVERTS AND BRIDGES
DESIGN CRITERIA FOR CONSTRUCTION OR
MODIFICATION**

§ 105.161. Hydraulic capacity.

(a) Bridges and culverts shall be designed and constructed in accordance with the following criteria:

(1) The structure shall pass flood flows without loss of stability.

(2) The structure may not create or constitute a hazard to life or property, or both.

(3) The structure may not materially alter the natural regimen **and the geomorphic stability** of the stream.

(4) The structure may not so increase velocity or direct flow in a manner which results in erosion of stream beds and banks.

(5) The structure may not significantly increase water surface elevations.

(6) The structure shall be consistent with local flood plain management programs.

* * * * *

(e) The structures shall pass the 100-year frequency flood with less than a 1.0-foot increase in the natural unobstructed 100-year water surface elevation, except where the structure would be located in a floodway which is delineated on a FEMA map, in which case no increase in the 100-year water surface elevation will be permitted. Exceptions to this criteria may be approved by the Department if the applicant prepares a risk assessment which demonstrates, and the Department finds, that the structure will not significantly increase the flooding threat to life and property or the environment, and if applicable, is consistent with municipal floodplain management programs adopted under the National Flood Insurance Program and a FEMA Flood Insurance Study. **[This information may be obtained from the Department of Community Affairs, Floodplain Management Division, Forum Building, Harrisburg, Pennsylvania 17120.]**

OPERATION AND MAINTENANCE

§ 105.171. Maintenance.

* * * * *

(c) Removal of silt and debris from the stream channel for the purposes of culvert or bridge maintenance shall be accomplished in accordance with the **Department's Standards for Channel Cleaning at Bridges and Culverts, as updated and amended.** **[A copy of this document can be obtained from the Bureau of Dams and Waterway Management, Division of Waterways and Stormwater Management, Post Office Box 8554, Harrisburg, Pennsylvania 17105-8554.]**

**Subchapter E. CHANNEL CHANGES AND
DREDGING FOR FACILITY
CONSTRUCTION AND MAINTENANCE
CRITERIA FOR APPROVAL FOR
CONSTRUCTION OR MODIFICATION**

§ 105.245. Disposal of waste materials.

(a) Discharge of dredged material into **[the regulated waters of this Commonwealth] aquatic resources** shall be subject to Subchapter J (relating to discharges of dredged and fill material).

(b) Dredged spoil and sludge deposits collected during the operation shall be deposited in a location and a manner approved by the Department.

(c) Bilge, ballast or wastewater from dredging operations shall not be discharged to the stream without removal of oils, petroleum products or toxic or hazardous compounds as defined by the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6986) in a manner approved by the Department.

**Subchapter J. DISCHARGES OF
DREDGED OR FILL MATERIAL
PERMITS**

§ 105.401. Permit applications.

In addition to the requirements of § 105.13 (relating to permit applications—information and fees) and other applicable requirements of this chapter, applications for discharges of dredged or fill material into **[the regulated waters of this Commonwealth shall] aquatic resources must** contain the following information:

(1) The location of [a] **public water supply wells within one mile measured radially from the proposed project boundary and all public water supply [intake] intakes** located within 1 mile upstream and 10 miles downstream **of the proposed project boundary.**

(2) The location of areas of shell-fish production.

(3) The impact of the activity [upon] **on** a threatened or endangered species as identified under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 460l-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), and the critical habitat of the species.

(4) The impact of the activity [upon] **on** those species of aquatic life indigenous to the waterbody.

(5) [**The amount of percentage of the discharge that will consist of toxic material regulated under section 6 of the Toxic Substances Control Act (15 U.S.C.A. § 2605) or hazardous materials as defined by the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6986) in other than trace quantities.] **A demonstration that the dredged or fill material is uncontaminated, nonwater-soluble, nondecomposable, inert solid material. An applicant may use the Department's Management of Fill Policy (258-2182-773) or other equivalent alternative methodology to make this demonstration. For dredged or fill material containing a toxic material regulated under section 6 of the Toxic Substances Control Act (15 U.S.C.A. § 2605), a hazardous waste as defined by the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6986 or a hazardous material as defined by regulation at 49 CFR 171.8 (relating to definitions and abbreviations) that is not included in the Management of Fill Policy, a demonstration must be made that a discharge into waters will not contain an amount that will cause an adverse impact to human health, safety or the environment.****

(6) **A demonstration that the quantity of dredged or fill material to be used is limited to what is necessary to complete the project.**

[(6)] (7) Other information as the Department may require.

CRITERIA FOR APPROVAL

§ 105.411. General criteria.

The Department will not approve an application to discharge dredged or fill material into [**regulated waters of this Commonwealth**] **aquatic resources**, unless the applicant demonstrates to the Department **that applicable criteria under this chapter are met and a public benefit [which] outweighs the [damage] adverse impact** to the [**public natural resources if**] **public health, safety and environment, when** one or more of the following [**is true**] **criteria exists:**

(1) The discharge is to a spawning area during spawning season.

(2) The discharge would restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the waters unless the primary purpose of the fill is to impound waters.

(3) The discharge is into [**regulated waters of this Commonwealth, except wetlands,**] **aquatic resources** which are breeding, feeding or nesting areas for migratory [**water birds**] **waterfowl.**

Subchapter L. GENERAL PERMITS

§ 105.446. Procedure for issuance.

(a) At least 60 days prior to issuance of a general permit, the Department will:

(1) Publish notice in the *Pennsylvania Bulletin* of intent to issue a general permit, including the text of the proposed general permit and locations for obtaining standardized plans.

(2) Provide written notice of the proposed general permit to the United States Army Corps of Engineers; the United States Coast Guard; the United States Fish and Wildlife Service; the United States Environmental Protection Agency; the **Pennsylvania Fish and Boat Commission**; the **Pennsylvania Game Commission**; applicable river basin commissions created by interstate compact; county agencies holding delegations under § 105.4 (relating to delegations to local agencies) and other interested Federal, State or interstate agencies **or commissions.**

(b) An opportunity shall be provided for interested members of the public, Federal and State agencies to provide written comments on a proposed general permit.

(c) The Department may, at its discretion, hold a public hearing on a proposed general permit for the purposes of gathering information and comments.

(d) General permits issued by the Department will be published in the *Pennsylvania Bulletin* at least 30 days prior to the effective date of the permits, as required [by] **under** section 7(d) of the [**Dam Safety and Encroachments**] Act (32 P.S. § 693.7(d)).

(e) **The Department will periodically review issued general permits for adequacy and when necessary or appropriate make revisions, updates or revocation of a general permit.**

Subchapter M. STATEMENTS OF POLICY

WETLANDS

§ 105.451. Identification and delineation of wetlands—statement of policy.

* * * * *

(c) The Department adopts and incorporates by reference the 1987 *Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1, January 1987)* along with the guidance provided by the United States Army Corps of Engineers, Major General Arthur E. Williams' memorandum dated 6 March 1992, *Clarification and Interpretation of the 1987 Manual* and any subsequent changes as the methodology to be used for identifying and delineating wetlands in this Commonwealth. The 1987 *Corps Wetland Delineation Manual*[, **Publication No. ADA 176734 is available from the National Technical Information Service (NTIS), Springfield, VA**

21161, or telephone: (703) 487-4650] may be found online. Copies of the Supplemental Guidance, including Regional Supplemental Guidance, issued by the Corps concerning use of the 1987 Manual, [(that is, the October 7, 1991, Questions and Answers, and the March 6, 1992, Clarification and Interpretation Memorandum) as well as the Administration’s Wetlands Plan of August 24, 1993, may be obtained by contacting the regulatory branch of a local Corps District, or the EPA Wetlands Hotline at (800) 832-7828. For more information, contact Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands, Post Office Box 8554, Harrisburg, Pennsylvania 17105-8554, telephone (717) 787-6827] may also be found online.

§ 105.452. Status of prior converted cropland—statement of policy.

(a) This section sets forth the policy of the Department as to the status of prior converted cropland in this Commonwealth.

* * * * *

(c) Naturally occurring events, including variations in long-term climatic conditions, may result in either creation or alteration of wetlands. It is necessary to determine whether alterations to an area have resulted in changes that are now “normal circumstances” of the particular area. The Department recognizes and adopts the concept of “prior converted cropland,” as defined in the *National Food Security Act Manual* ([180-V-NFSAM, Third Edition, March 1994] Fifth Edition 180-NFSAM-514-D-514.30, December 2018, as revised by Circular 190-18-1, as amended), as “normal circumstances” as the [term] phrase is used in the definition of wetlands in § 105.1 (relating to definitions). [These prior converted croplands are not regulated as wetlands under the Commonwealth’s Wetland Protection Program contained in this chapter. Prior] The Department acknowledges the definitions of prior converted cropland, farmed wetland and converted wetland [is defined] found in the National Food Security Act Manual [, as wetlands that were drained, dredged, filled, leveled or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, and have not been abandoned, for the purpose of, or to have the effect of making the production of an agricultural commodity possible, and an agricultural commodity was planted or produced at least once prior to December 23, 1985.] (NFSAM). For the purpose of the Department’s policy:

[(1) Abandonment is the cessation of cropping, forage production or management on prior converted cropland for 5 consecutive years, so that:

- (i) Wetland criteria are met.
- (ii) The area has not been enrolled in a conservation set-aside program.
- (iii) The area was enrolled in a State or Federal wetland restoration program other than the Wetland Reserve Program.

(2) Prior converted cropland may also be considered abandoned if the landowner provides written intent to abandon the area and wetland criteria are met.]

(1) Prior converted cropland means a converted wetland that, before December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making the production of an agricultural product possible.

(2) Prior converted croplands are not regulated as wetlands under this chapter when used for crop production, unless they have been abandoned and have reverted to wetlands.

(3) The Department will consider prior converted cropland to be abandoned when one of the following occurs under subparagraphs (i)—(iv):

(i) Crop production ceases to be established, due to any of the following circumstances under clauses (A)—(E):

(A) The landowner establishes intent to convert the area to another use.

(B) The area has been or is being converted to another use.

(C) The area was not used for, or in support of, crop production at any time in the past 5 years.

(D) The area has lain idle so that modifications to the hydrologic regime, including the removal of woody vegetation, are necessary to resume operations.

(E) The area requires expansion or modification, other than maintenance, of a field drainage system to make crop production possible.

(ii) The area was or is enrolled in a conservation program.

(iii) The area was or is enrolled in a State or Federal wetland restoration program including the Wetland Reserve Program, used for compensatory mitigation, or used as part of a pollution reduction strategy.

(iv) The landowner informs the appropriate Department office’s wetland program, and, when applicable, the Pennsylvania Department of Agriculture or the United States Department of Agriculture Natural Resource Conservation Service (USDA NRCS) of the intent to abandon the area in writing and wetland criteria are met. Prior converted cropland will be considered abandoned on receipt of the landowner’s correspondence unless the landowner otherwise identifies a specific date to abandon the area.

(d) In reviewing information relating to prior converted cropland as normal circumstances for the purpose of making a wetland determination:

(1) The Department will accept a certified wetland determination performed by the USDA NRCS of prior converted cropland.

(2) The Department retains final authority to make independent regulatory and state jurisdic-

tional determinations, and any action taken by the Department shall be consistent with the criteria set forth in § 105.21 (relating to criteria for permit issuance and denial).

[(d)] (e) This policy **[change]** does not affect the exemption for plowing, cultivating, seeding and harvest-

ing for the production of food, fiber and forest products or the waiver for maintenance of field drainage systems found at § 105.12(a)(7) and (8) (relating to waiver of permit requirements).

[Pa.B. Doc. No. 20-1693. Filed for public inspection December 4, 2020, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

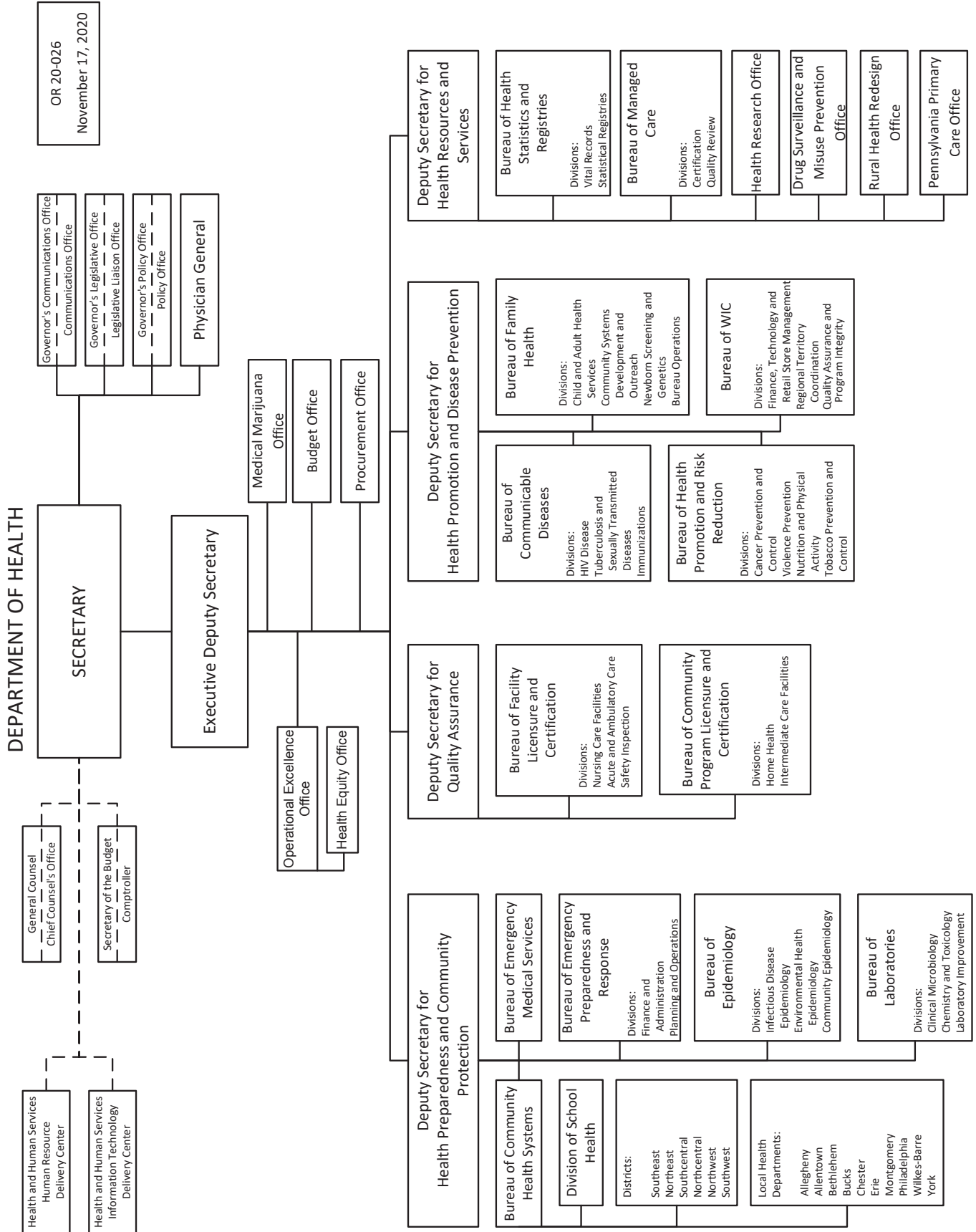
Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective November 17, 2020.

The organization chart at 50 Pa.B. 6902 (December 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 20-1694. Filed for public inspection December 4, 2020, 9:00 a.m.]



FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Statements of Policy

The Fish and Boat Commission (Commission) proposes to amend Chapter 57 (relating to statements of policy). The Commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the internal policy for the Commission pertaining to the stocking of Class A wild trout streams throughout this Commonwealth.

A. *Effective Date*

This proposed statement of policy, if approved, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed statement of policy, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed statement of policy is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendments to § 57.8a (relating to Class A wild trout streams) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Class A wild trout streams represent the best of this Commonwealth's wild trout resources and approximately 3% of all flowing waters in this Commonwealth qualify for this designation. As of July 11, 2020, there are 1,032 Class A stream sections that comprise 2,759 stream-miles in this Commonwealth. Following designation by the Board of Commissioners, Class A wild trout streams enter a process whereby the Department of Environmental Protection will ultimately designate these stream sections as High Quality Cold Water Fishes under 25 Pa. Code Chapter 93 (relating to water quality standards). This designation provides additional water quality protection under the Commonwealth's environmental laws and regulations. As such, a Class A designation is an important mechanism to properly protect, conserve, and enhance wild trout populations and the quality of their habitats.

On September 30, 2014 (effective January 1, 2015), the statement of policy at § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to granting permission to stock a Class A wild trout stream section. Following the update to § 57.8a, staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Under these criteria, stream sections that the Commission designates as Class A wild trout streams after December 31, 2014, may remain eligible for stocking with adult and fingerling trout by the Commission to provide additional angling opportunities, provided that the following criteria conditions are met.

1. The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

2. Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.

3. The trout species to be stocked are not the same species as the primary component of the wild trout population.

4. The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

5. A stream section managed for wild Brook Trout will not be considered for stocking.

6. Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Commission.

Subsequently, 13 stream sections suspected to support strong Class A wild brown trout populations were officially designated as Class A wild trout streams during the 2015–2017 time frame following updated wild trout surveys and stocking was continued. The Commission believes there are very few additional waters in this Commonwealth that would meet the current internal decision-making criteria used to consider continued stocking of Class A wild trout streams. The 13 Class A wild trout stream sections where stocking continued are heavily fished streams in high-density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components. Common to these waters are robust wild brown trout populations, which continue to maintain strong Class A fisheries in the presence of stocking and high angler use. The management approach for these waters includes limiting species stocked to rainbow trout, which are easier to catch, rarely develop into a wild population in this Commonwealth, would not genetically impact the existing wild brown trout population and could serve to satisfy anglers that prefer to fish for stocked trout during the early part of trout season.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. Occasionally, there may be pre-existing youth fishing derbies or clubs or private landowners, or both, that are not aware a stream section was designated as Class A and unknowingly continue to stock illicitly. Additionally, it is often unknown to Commission staff where private stockings have occurred. This information may become apparent only when the next private stocking is planned and the landowner discovers a Class A designation has occurred. Therefore, there may be rare cases where a stocking exemption should be considered.

As such, the Commission has developed additional internal decision-making criteria to account for these types of rare circumstances to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria will provide the Commission direction to guide decisions when

unusual situations arise but would not automatically result in continued stocking when criteria are met, as the vast majority of Class A stream sections are best managed solely for wild trout with no stocking. They will offer a mechanism for transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria will be detailed in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th Edition* planned for release in December 2020 and available at www.fishandboat.com. Listed as follows are several scenarios that may be considered for an exemption.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.

2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and a history of more than one past occurrence.

3. Stream sections stocked by the Commission, a cooperative nursery, or a private group, or both, or individual the year prior to Class A designation and a history of more than one past occurrence, and meet the Commission's Class A stocking criteria developed for the 13 Class A streams sections stocked by the Commission. These criteria currently guide staff consideration when making recommendations regarding the continuance of stocking a Class A wild trout stream section and were specifically developed for high-use, urban and suburban stream sections that support robust Class A wild brown trout populations. Stocked species are limited to rainbow trout and the number stocked will remain at or below the levels stocked at the time of Class A designation. Some stream sections may be better managed solely for wild trout in the future; therefore, trout stocking may not occur in perpetuity.

4. Previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to current exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections would be granted only under rare circumstances. Consideration would only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking would be eligible for consideration. Should an exemption be granted, the agency would determine the species of trout, number of trout, and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. No exemptions will be granted for streams where a component of the wild trout fishery is comprised of wild brook trout.

The Commission proposes that § 57.8a be amended to read as set forth in Annex A.

F. Paperwork

This proposed statement of policy will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed statement of policy to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-307. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking. **[There] However, there may be circumstances that justify stocking a Class A wild trout stream. Prior to granting permission to stock a Class A wild trout stream under § 71.4 (relating to stocking of designated waters), the Executive Director will consult internal decision-making criteria set forth in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters* to consider the need for continued stocking at newly designated Class A wild trout streams and obtain the approval of the Commission. Consideration will only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit**

for continued stocking from the Commission between 2010 and the effective date of this amendment will be eligible for consideration.

* * * * *

[Pa.B. Doc. No. 20-1695. Filed for public inspection December 4, 2020, 9:00 a.m.]

Title 61—REVENUE
DEPARTMENT OF REVENUE
[61 PA. CODE CH. 9]

Repeal of Taxation of Partnerships, Associations and Pennsylvania (PA) S Corporations Having Nonresident Partners, Members or Shareholders—Statement of Policy

The Department of Revenue (Department) is repealing the statement of policy in § 9.11 (relating to taxation of partnerships, associations and Pennsylvania (PA) S Corporations having nonresident partners, members or shareholders) under the authority contained in § 3.2 (relating to statements of policy). The repeal takes effect immediately upon publication in the *Pennsylvania Bulletin* and is applicable to tax years beginning on or after January 1, 2021.

This statement of policy provided guidelines for the implementation of the withholding tax requirements im-

posed upon partnerships, associations and S Corporations under section 12 of the act of August 4, 1991 (P.L. 97, No. 22), which added Part VII-A, sections 324—324.3 to the Tax Reform Code of 1971 (72 P.S. §§ 7324—7324.3).

The Department is currently revising its Personal Income Tax systems. This statement of policy no longer reflects current tax processes and systems that will be incorporated into the new system.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, P.O. Box 281061, Harrisburg, PA 17128-1061.

C. DANIEL HASSELL,
Secretary

Fiscal Note: 15-461 (Repeal). No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart A. GENERAL PROVISIONS

**CHAPTER 9. REVENUE
PRONOUNCEMENTS—STATEMENTS OF POLICY.**

§ 9.11. (Reserved).

[Pa.B. Doc. No. 20-1696. Filed for public inspection December 4, 2020, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

General Permit Standards and Requirements for Hemp

Recitals.

This Notice amends and replaces the previous Notice “General Permit Standards and Requirements for Hemp” published in the May 9, 2020 *Pennsylvania Bulletin* (50 Pa.B. 2397, Saturday, May 9, 2020).

A. The Act relating to Controlled Plants and Noxious Weeds (“Act”) (3 Pa.C.S.A. § 1501 et seq.) authorizes the Department of Agriculture (Department) through the Controlled Plant and Noxious Weed Committee (Committee) to establish a controlled plant list and to add plants to or remove plants from the controlled plant list (3 Pa.C.S.A. § 1511(b)(3)(ii)(iii)).

B. The Act provides for publication of the noxious weed and the controlled plant list and additions or removals or changes thereto to be published as a notice in the *Pennsylvania Bulletin* and for such additions or removals to become effective sixty (60) days from publication (3 Pa.C.S.A. § 1511(b)(3)(iv)).

C. Pursuant to that authority, the Committee acted to add hemp to the Controlled Plant List and published such Notice in the *Pennsylvania Bulletin* on April 6, 2019 (49 Pa.B. 1667, Saturday April 6, 2019).

D. Section 1513 of the Act authorizes the Department to issue General Permits, on a Statewide or Regional basis, for the research, marketing, retail, wholesale, transport, storage, warehousing, display, distribution, cultivation or propagation of controlled plants, where the controlled plants have similar characteristics and are capable of being cultivated, propagated, processed and controlled or eradicated in a similar fashion (3 Pa.C.S.A. § 1513(1)).

E. General Permits and applications for General Permits must address at least those requirements set forth at section 1514(5)(i)—(viii) (3 Pa.C.S.A. § 1514(5)(i)—(viii)), but may include and address additional requirements as established by the Department herein (3 Pa.C.S.A. § 1513(3)).

F. General permits shall be published in the *Pennsylvania Bulletin* and become effective upon publication (3 Pa.C.S.A. § 1513(2)).

G. Hemp is also regulated on the federal level by the United States Department of Agriculture (USDA) as authorized by the Agricultural Improvement Act of 2018 (115-334), (2018 Farm Bill).

H. The 2018 Farm Bill defined “hemp” as the plant species *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

I. The 2018 Farm Bill directed USDA to establish guidelines for states to follow in establishing plans to allow for state primacy in the regulation of growing or cultivation of hemp plants.

J. With the designation of hemp as a Controlled Plant under the authority of the Act, persons are required to

obtain a permit from the Department prior to cultivating, propagating, growing or processing hemp.

K. Hemp has been designated a controlled plant in Pennsylvania and its propagation, cultivation, testing, transportation, warehousing and storage, processing, distribution and sale is of a statewide concern.

L. This General Permit establishes rules and requirements for the distribution and sale of hemp planting materials, and for the propagation, cultivation, testing, transportation, warehousing, storage, and processing of hemp as authorized by the Act.

M. This General Permit does not and may not abrogate the provisions of the act related to industrial hemp research, at 3 Pa.C.S.A. §§ 701—710, including, permitted growers must still submit fingerprints to the Pennsylvania State Police for the purpose of obtaining criminal history record checks. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

General Permit.

With the forgoing recitals incorporated into this General Permit by reference, the Department hereby establishes a General Permit, under the authority of the act related to controlled plants and noxious weeds (Act) (3 Pa.C.S.A. § 1501 et seq.), for the Controlled Plant, hemp. The terms of the General Permit are as follows:

Article I. General Provisions and Definitions.

(a) *Establishment of the Hemp General Permit.* A General permit is hereby established for the Controlled Plant, hemp, defined as the plant *Cannabis sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. This General Permit covers the entire Commonwealth.

(b) *Purpose of the General Permit.* The purpose of this general permit is as follows:

(1) To establish provisions to control the planting, growing, propagation and cultivation of hemp.

(2) To establish requirements under which persons may apply to plant, grow, propagate or cultivate hemp in the Commonwealth for the purpose of research or commercial production.

(3) To establish requirements detailing where hemp may be planted, grown, propagated and cultivated in the Commonwealth.

(4) To establish requirements for sale and distribution of hemp nursery stock.

(5) To establish requirements under which persons may apply to process hemp in the Commonwealth.

(6) To establish requirements for tetrahydrocannabinol (THC) testing of hemp planted, grown, propagated, cultivated or processed in the Commonwealth.

(7) To establish requirements for the transportation of hemp planted, grown, propagated and cultivated in the Commonwealth.

(8) To establish requirements for storage and warehousing of hemp planted, grown, propagated and cultivated in the Commonwealth.

(9) To establish requirements for the disposal of a permitted crop where the THC concentration exceeds 0.3 percent on a dry weight basis.

(c) *Definitions.*

Act. The act of October 30, 2017, P.L. 774, No. 46, at 3 Pa.C.S.A. §§ 1501—1562, related to controlled plants and noxious weeds.

Agent or inspector. A representative of the Department of Agriculture duly appointed by the Secretary of Agriculture to carry out the provision of the Act and this General Permit.

Applicant. A person(s) signing and submitting a hemp application and responsible for ensuring compliance with the terms of the application and permit.

Committee. The Controlled Plant and Noxious Weed Committee established in section 1511 (relating to designation of noxious weeds and controlled plants).

Control order. A written order issued by the department to a person detailing required treatment measures to control noxious weeds or controlled plants.

Controlled plant. A plant species or subspecies that has been designated by the Committee as a controlled plant and is regulated to prevent uncontained growth and to negate undesirable characteristics.

Controlled Substances Act (CSA). The Federal statute codified in 21 U.S.C. 801—971, establishing federal U.S. drug policy under which the manufacture, importation, exportation, possession, use and distribution of certain substances is regulated.

Culpable mental state greater than negligence. Meaning acts made intentionally, knowingly, or with recklessness. This definition is derived from the definition of negligence in Black's Law Dictionary. See Black's Law Dictionary (10th ed. 2014).

Department. The Department of Agriculture of the Commonwealth.

Distribute or distribution. To barter, consign, exchange, give away, import, in any way transfer, offer for sale, sell or otherwise supply or transport a noxious weed or controlled plant in this Commonwealth.

Drug Enforcement Administration (DEA). A federal law enforcement agency under the United States Department of Justice, and the lead agency for domestic enforcement of the Controlled Substances Act.

Eradication. The elimination or removal of a noxious weed or controlled plant so that no further growth occurs for at least three consecutive years.

Farm Service Agency (FSA). An agency of the United States Department of Agriculture that provides services to farm operations.

General permit. A Statewide or regional permit that is issued by the department for a controlled plant and specifies terms and conditions for distribution, cultivation or propagation of the controlled plant.

Hemp. The plant *Cannabis sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

Landowner. A person in whom is vested the title of property or with any rights in real property that permit possession or control of surface activities on the real property. The term includes a department, board, commis-

sion, agency and instrumentality of the Federal Government and the Commonwealth and any of its political subdivisions.

Lessee. A person who has entered into a contract granting the person occupation or use of property during a certain period of time in exchange for a specified rent.

Lot. The term "lot," as defined in the USDA Interim Final Rule (IFR) on the Domestic Hemp Production Program (84 FR 58522), refers to a contiguous area in a field, greenhouse or indoor growing structure containing the same variety or strain of cannabis throughout. To be defined by the producer in terms of farm location, field acreage and variety (i.e. cultivar) and to be reported as such to the Department and the FSA. This definition will be modified to reflect any revision made through subsequent related publication by USDA.

Negligence. Failure to exercise the level of care that a reasonably prudent person would exercise in complying with the regulations and standards established.

Permit. A document issued by the Department authorizing a person to perform functions and activities related to hemp which require adherence to the rules and requirements established by this General Permit.

Person. An individual, corporation, association, partnership, municipality or any other entity.

Processor. Any person who converts hemp material from its form while in the field into a different form or product, as well as any person who receives viable hemp material from a secondary supplier, to further convert into a different form or product.

Propagate. To increase, multiply or spread a plant or crop through planting, cultivation or any means of reproduction.

School Property. Any property used by students that is under the jurisdiction of a public school district, intermediate unit, area vocational-technical school, charter school or non-public school.

THC. The chemical delta-9 tetrahydrocannabinol. For the purposes of this General Permit, THC shall include total potential delta-9 tetrahydrocannabinol in a plant or product, derived from the corrected sum of the delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid content.

USDA. The United States Department of Agriculture.

Article II. Procedure for Application and Permitting.

(a) *Permit Application Process.* The following rules and requirements apply to permitting and the application for a permit.

(1) To produce, process or research hemp under the Pennsylvania Hemp General Permit, a person must apply for and be issued a Permit from the Department.

(2) No permit shall be issued to grow, cultivate or propagate hemp for personal use.

(3) Research permits shall only be issued to Institutions of Higher Education or established research institutes.

(4) The Department will begin accepting applications effective with publication of the General Permit in the *Pennsylvania Bulletin*.

(5) Conditions and terms of this General Permit may change upon future conditions, including requirements imposed by USDA in acceptance of the Pennsylvania State Hemp Plan, legal standards imposed by another

federal agency, statutory or regulatory changes or changes in other legal requirements. If USDA publishes any changes to their rulemaking documents surrounding the domestic hemp production program that change requirements of a state hemp plan, those changes may be incorporated into the Pennsylvania program through an amendment to the General Permit. The Department's intention to incorporate certain changes when permitted by USDA is specifically noted within this General Permit.

(6) Application periods will be announced by the Department and published at https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx. Persons anticipating late season or indoor planting must submit their applications during published application periods.

(7) The permit application will be available for download from the Department's Hemp Program website at https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx. At that website, there will also be announcements of availability of the hemp application process online through PA Plants. Applications may also be requested by contacting The Bureau of Plant Industry Hemp Program at 223-666-2561 or by mail at:

Hemp Program
 Pennsylvania Department of Agriculture
 2301 North Cameron Street
 Harrisburg, PA 17110.

(8) Applications shall be submitted with the application fee and supporting documents. The completed application along with all required reporting constitutes a written plan as required by the Act. Incomplete applications will not be processed.

(9) Any persons who materially falsify any information in their application shall be deemed ineligible to participate in the program.

(10) Upon successful review of completed applications, the Department will issue permit documents to approved applicants.

(b) *Application Contents.* All applications shall comply with the requirements established herein.

(1) *Contact Information.* Set forth contact information including at a minimum, legal name, address, day and evening telephone numbers, and email address (if available). If the applicant is a business entity, the applicant shall provide the full name of the business, address of the principal business location, full name and title of the key participants, an email address if available, and an EIN number of the business entity.

(2) *Location Information.* Provide the physical location, including a detailed plot map and description of the site to be planted or the site where the hemp will be propagated, cultivated, stored or processed. A separate application is required and shall be submitted for each physical address (individually titled property) of a growing, cultivating, propagating, researching or processing location. Storage location information is optional at time of application, but must be provided before any hemp is moved into storage.

(i) The description of the location shall include the county and municipality.

(ii) Contain a legal description of the land, plot map and geospatial location of the overall site and each separate field, greenhouse, building or other site where

hemp will be produced, warehoused or processed. The plot map must show the name of each road bordering the physical location.

(iii) If the address/facility is not owned by the applicant:

(A) The applicant must attest to the fact that the property is completely controlled by this applicant.

(B) A lease shall be executed between the property owner and the permit holder for the land on which hemp will be planted, propagated, cultivated, stored or processed and must be retained by the applicant and provided to the Department upon request. This lease shall specifically grant access to the property by the Department during the entirety of the lease agreement.

(C) With the application, the applicant must provide an agreement signed by both the property owner and the lessee granting the Department access to the property for up to 3 years following the termination of the lease and allowing for the destruction of any hemp plants found on the property (at the expense of the hemp permit holder) in that time. A template of this access agreement is available on the Department's website.

(iv) *Location Restrictions:*

(A) Given the potential of hemp pollen to interfere with medical marijuana crops, hemp may not be planted within three miles of an approved medical marijuana growing facility.

(B) Hemp may not be grown, cultivated, propagated or planted in or within 200 feet of any structure that is used for residential purposes, without prior written approval from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(C) A person shall not handle, process, warehouse or store leaf or floral material from hemp in a facility or field location that is within 200 feet of any structure that is used for residential purposes, without prior written approval from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(D) May not plant less than 150 hemp plants in any outdoor location nor less than 1,000 square feet and 100 hemp plants in any indoor facility, unless prior written approval is provided by the Department. Any written approval may establish additional requirements set forth by the Department therein.

(E) Shall not grow, plant, cultivate or propagate hemp within 1,000 feet of a pre-kindergarten through 12th grade school property or a public recreational area, unless prior written approval is provided by the Department. Any written approval may establish additional requirements set forth by the Department therein.

(F) Shall not include on application or Site Modification Request any property for growing, planting, cultivating or propagating hemp that is not owned or completely controlled by the applicant or permitted grower.

(G) Hemp shall be physically segregated from other crops unless prior written approval is obtained in writing from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(H) Each hemp lot planted must be distinct and separate from any other planted hemp lot, so that plants from separate lots are not co-mingled and may be clearly distinguished for sampling purposes.

(I) The use of land, properties and facilities shall comply with all laws, regulations and requirements of any governmental agency or other regulating authority, including building, commercial, environmental, zoning and other regulated categories.

(3) *Hemp Variety Information.* Applicants shall list the type and amount of seed, clones, propagules or cuttings they have acquired or intend to acquire and hemp varieties they intend to plant, propagate and cultivate. (The Planting Report Form will provide a field to report changes to this information at the time of planting.)

(i) For all hemp seed, clones, propagules or cuttings which will be grown, cultivated, propagated or planted the source, including the legal name and address, shall be listed.

(ii) The anticipated acreage or indoor square footage for each type or variety of hemp shall be listed.

(iii) The type of product(s), (such as fiber, seed, dried flower, CBD or other) to be produced or processed.

(4) *Criminal History Information.* Applications shall be accompanied by proof of completed criminal history reports for the applicant and any other key participants in hemp program activities. This shall include a Federal Bureau of Investigation (FBI) background check. These must be dated no more than sixty (60) days prior to the date the application is received by the Department in the initial year the information is submitted.

(i) Key participants are a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as an owner or partner in a partnership. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer.

(ii) Key participant does not include other management positions like farm, field or shift managers.

(iii) Any key participant having a disqualifying criminal history background, such as a disqualifying felony as provided for by section 297B(e)(3)(B)(i) of the 2018 Farm Bill, will not meet the requirements of this General Permit and may not participate in the Hemp Program. A disqualified key participant will result in rejection of the Hemp Program application.

(iv) The criminal history reports must indicate that the applicant and key participants have not been convicted of a State or Federal felony related to a controlled substance for a period of 10 years prior to the date when the report was completed.

(v) FBI background checks are valid for 3 years. Directions for obtaining FBI background checks meeting the Hemp Program requirements are available on the Department's website at https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(5) *Attestations.* The applicant shall attest to all the following:

(i) That subject to the criminal penalties for unsworn falsifications to authorities, at 18 Pa.C.S.A. § 4904, they have not had a felony drug conviction in the past 10 years, and that during the time period of the application, this permit and the General Permit, they will immediately report to the Department any key participant of the permit that is convicted of a state or federal controlled-substance-related felony.

(ii) That subject to the criminal penalties for unsworn falsification to authorities, at 18 Pa.C.S.A. § 4904, the plant materials shall be selected from apparently disease-free and pest-free sources.

(iii) That in growing, propagating, cultivating, harvesting, transporting and processing of hemp, all biosecurity safeguards will be utilized in order to assure isolation from the domestic environment outside of permitted locations.

(iv) That subject to the criminal penalties for unsworn falsification to authorities, at 18 Pa.C.S.A. § 4904, the approved applicant and permit holder will continue to comply with the permit and General Permit requirements for the duration of time the hemp plants, plant parts or hemp materials are in the permit holder's possession, including any regrowth of the hemp.

(c) *Hemp Permit Approval and Renewal.* Once a Permit application has been approved by the Department, the Department will issue a Permit to the applicant for the approved site. Permits are issued and renewed on a calendar year basis. All the following rules and requirements apply.

(1) Permits are not transferrable in any manner.

(2) An applicant whose application has been approved will not be considered permitted under this General Permit and shall not commence any activities, including purchase or planting of any hemp seeds, hemp plants, hemp plant parts, hemp materials or hemp products until the applicant is issued a Permit by the Department for that year.

(3) Permits are issued on a calendar year basis, do not renew automatically and must be renewed every calendar year.

(4) Applications for renewal will be subject to the same terms, conditions and approval process as set forth in the General Permit and application for initial or new permits.

(5) Permits will be valid until December 31 of each calendar year. Extensions may be announced, at the discretion of the Department, if application and renewal processes do not allow for continuity of operations.

(d) *Permit Holder Responsibilities.*

(1) An approved applicant and permit holder, or any person propagating, cultivating, transporting, storing, warehousing, distributing, retailing, wholesaling, processing or researching hemp and required to have a permit, shall comply with all the provisions of this General Permit.

(2) *Compliance.* The approved applicant and permit holder shall continue to comply with the permit requirements established in this General Permit for the duration of time the hemp or hemp materials are in the permit holder's possession, including any regrowth of the hemp.

(3) Upon receipt of a Hemp Program permit, the permit holder shall provide their unique Department hemp permit number and associated hemp production locations and acreage information to FSA.

(4) *Change in Information or Status.* The following rules and requirements apply to any change in Permit information.

(i) A Permit holder must notify the Department immediately should there be any change in the contact information provided on the Permit application or any change in ownership of the permitted land, via a Hemp Permit Change form provided by the Department.

(ii) A Permit holder must report changes to hemp varieties and/or sources, hemp plant part planted, type of hemp cultivated and/or size of plantings to the Department via the Hemp Planting Report form.

(iii) If at any time, there is a change to the information submitted in the permit application, a permit modification is required. FSA must also be notified of changes.

(iv) Any change to the growing, planting, cultivating or propagation location or control of the location shall require a new permit and must be submitted during the permit submission time period for that calendar year.

(5) *Abandonment or closure of permitted hemp site.* The permitted hemp grower shall, prior to abandonment or closure of the permitted site, notify the Department in writing of his intent to close or abandon the site. Failure to do so will result in the permitted grower being charged and responsible for any destruction costs, including destruction of hemp that may have escaped the boundaries of the permit location and may result in the assessment of other penalties as allowed under the Act.

(6) Permit holders, including all key participants, are responsible for and shall immediately notify the Department of any drug related convictions they receive during the time period of a permit.

Article III. Propagation and Cultivation.

The following rules and requirements apply to the propagation and cultivation of hemp.

(a) *Hemp Source Materials.* The permit holder is responsible for sourcing, purchasing, and acquiring the hemp seed, clones, propagules or cuttings which they will be growing, planting, cultivating or propagating and shall ensure that this complies with all the requirements of this general permit.

(1) *Prohibited Hemp Varieties and Varieties of Concern.* A permit holder shall check the Department's website or request a list of Prohibited Hemp Varieties and Varieties of Concern.

(i) *Prohibited Hemp Varieties.* Prohibited Hemp Varieties have consistently tested higher than 1.0% THC in previous years and resulted in required crop destruction.

(A) Prohibited Hemp Varieties and the seed thereof, listed by the Department, shall not be approved for planting, propagation, cultivation, sale, transfer, retail, wholesale, distribution, transportation, storage or warehousing in the Commonwealth.

(B) Prohibited Hemp Varieties and the seed thereof shall be illegal in the Commonwealth and shall be subject to a Control Order, ordering its destruction, a stop-sale order or a seizure and condemnation order or any combination of the above and the imposition of penalties as allowed under the Act.

(ii) *Hemp Varieties of Concern.* Hemp Varieties of Concern are varieties that have tested higher than 0.3% THC in some Pennsylvania planting locations in previous years, or have tested high in other states, resulting in crop destruction. Hemp Varieties of Concern are listed by the Department as an aid to growers making variety choices, since these varieties may present greater risk for loss. There is, however, no prohibition on planting, propagation, cultivation, sale, transfer, retail, wholesale, distribution, transportation, storage, warehousing, or processing of Hemp Varieties of Concern in the Commonwealth.

(2) *Hemp seed source.* All the following requirements shall be met:

(i) The permit holder shall be responsible for sourcing and purchasing all hemp seed and shall assure the seed, whether internationally or domestically sourced, meets all phytosanitary requirements for movement of seed.

(ii) *Hemp seed labeling.* All seed shall meet the labeling requirements of the PA Seed Act (3 Pa.C.S.A. § 7101 et seq.). A summary of these requirements is available on the Department's Hemp Program webpage: https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(iii) The permit holder shall obtain a statement from the licensed producer or guarantor supplying the seed that the variety has a THC content equal to or less than 0.3% on a dry weight basis, as determined by an independent third-party laboratory.

(iv) *Reuse of hemp seed.* Seed produced by a permit holder may only be saved or used for future planting under the following conditions:

(A) The original seed source holding rights to the seed grants such permission to the permit holder and provides written approval and documentation of their authority to grant that permission.

(B) The permit holder has registered with the Department's certified seed program and met the requirements of the Seed Act (3 Pa.C.S.A. § 7101 et seq.) and its attendant regulations.

(C) Any seed produced from a permit holder's hemp breeding may only be sold/planted for production upon the variety's acceptance by AOSCA Variety Review Board or USDA's Plant Variety Protection Office.

(v) *Sale of hemp seed.* The provisions of the Seed Act (3 Pa.C.S.A. § 7101 et seq.), its attendant regulations and this General Permit shall apply to the sale of hemp seeds.

(3) *Hemp nursery stock.* Hemp clones, cuttings and seedlings for planting, propagation and cultivation are permitted under the following conditions:

(i) Hemp clones, cuttings and propagules being shipped into the Commonwealth for planting, propagation, cultivation or sale or transfer shall be accompanied by a Federal Phytosanitary certificate, a state of origin-issued health certificate or certification that the plants were grown at a state licensed and inspected nursery.

(ii) Any permit holder receiving hemp nursery stock, whether for propagation of additional nursery stock or for production planting, shall obtain a statement from the licensed producer or guarantor supplying the hemp clones, cuttings or propagules that mature plants from the variety have a THC content of less than 0.3% on a dry weight basis, determined by an independent third-party laboratory.

(iii) Production of hemp nursery stock is permitted under the following conditions:

(A) Any permit holder who is vegetatively propagating plant material must have documentation verifying that the person holding rights to the source material has granted permission to the permit holder for this activity.

(B) Permit holders who intend to sell or distribute hemp nursery stock

1. shall hold a Pennsylvania Nursery License under the Plant Pest Act (PPA) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. § 258.1 et seq.), and make all transactions in accordance with provisions of the PPA and its attendant regulations.

2. shall only sell hemp stock plants to permit holders within Pennsylvania or to out-of-state persons that meet the requirements of the hemp program rules in their

state, which may be verified by requesting visible proof of state permit or referencing a state listing of permit or license holders.

3. *Records of planting material sales.* Records of the sale or distribution of hemp nursery stock shall be maintained for a minimum of three (3) years and shall contain the following information for each sale or distribution.

- (aa) Date of the sale or distribution.
- (bb) Date of shipment.
- (cc) Name, Address, telephone number, license or permit number of the purchaser and final grower, cultivator or propagator if different.
- (dd) Quantity of plants in shipment, by variety and stage of development (cutting, seedling, rooted cutting, etc.).
- (ee) Source of mother plants for nursery stock.
- (ff) Seed information including a seed tag for plants started from seed.
- (gg) The Federal Phytosanitary certificate, state of origin-issued health certificate or certification that the plants were grown at a state licensed and inspected nursery for each sale, distribution or shipment.
- (hh) A copy of all attestations required above for seeds, clones, cuttings and propagules.
- (ii) A copy of all Reports required for seeds, clones, cuttings and propagules.
- (jj) A copy of all written grants of permission required for seeds, clones, cutting and propagules.

(b) *Inspection.* The Department may conduct unannounced inspections during normal business hours. The permit holder shall grant Department inspectors unrestricted access, during normal business hours, to all permitted sites or sites required to be permitted under the provisions of the Act and this General Permit, including all growing, planting, cultivation and propagation locations and adjacent areas, buildings, storage and processing areas and all other grounds, structures, and facilities involved in the hemp production.

(1) Where practicable the Department will notify the permit holder of an inspection.

(2) Where the permit holder is given notice of an inspection the permit holder or a designated representative thereof, shall be present to accompany the Department inspector.

(c) *Reporting and Recordkeeping.* Permit holders shall comply with the following.

(1) *Reports.* The following reports are required from Permit Holders:

(i) *Report of production acreage, filed with FSA; FSA Report detail.* Permitted growers are required to report their hemp crop acreage with FSA, and to provide FSA with specific information regarding field acreage, greenhouse, or indoor square footage of hemp planted. If USDA modifies this FSA reporting requirement in their rule-making documents surrounding the domestic hemp production program, the modification shall be incorporated into this General Permit. Information reported to FSA shall include all the following:

(A) Name, street address, geospatial location or other comparable identification method specifying where the hemp will be produced, and the legal description of the land.

(B) Geospatial location or other methods of identifying the production locations.

(C) The information shall be provided for each field, greenhouse, building, or site where hemp will be grown, planted, cultivated or propagated.

(D) Follow the specific procedures for reporting hemp acreage to FSA which will be posted on the USDA Domestic Hemp Production Program website.

(ii) *Planting Report, filed with the Department.* The permit holder shall submit to the Department on forms provided by the Department, within 10 days after planting. The Report shall set forth all the following:

(A) Date planted.

(B) Stage of development at the time of planting (seed, cutting, etc).

(C) Variety and quantity of each variety planted.

(D) The plot map and geospatial location where each lot was planted including each separate field, greenhouse, building or other site and the square footage, acreage or plot dimensions of each.

(iii) *Inactive Permit report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department, when the permit holder determines that there will be no activity under the permit.

(iv) *Crop Loss Report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department, if the crop is not suitable for harvest and rendered useless at the planting, cultivation, propagation or growing site. To be submitted within ten (10) business days of destruction of any surviving hemp plants.

(v) *Harvest Report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department. The report shall include harvested quantities and disposition of crop, by lot.

(2) *Recordkeeping Requirements.* Permitted growers shall maintain copies of all records and reports necessary to demonstrate compliance with the permit program. These records include those that support, document, or verify the information provided in the forms submitted to the Department, including:

(i) For each permitted location.

(A) The information provided on the application for a permit

(B) Permit document received from the Department

(C) A detailed map of the permitted site meeting all the requirements of subsection above (Article II(b)(2)).

(D) For each leased location, a copy of the fully-executed lease.

(E) At least one label from every different lot of seed or nursery stock, along with any Material Transfer Agreements or THC testing documentation received from the source.

(F) Invoice(s) showing the amount of seed and hemp plants, hemp parts, hemp material and hemp products purchased and the name and address of the source of the material. This information shall cross reference the Permit number under which the materials were procured.

(G) The specific field and location where the seed, hemp plants, hemp parts, hemp material and hemp

products were planted, cultivated and propagated (site map with planting sites indicated) and the corresponding permit for each.

(ii) For each individual lot.

(A) Acreage (outdoor) or square footage (indoor)

(B) Variety name and amount planted, cultivated and propagated and the corresponding permit number.

(C) Type of Hemp—Fiber, Grain, Seed, CBD

(D) Planting Date

(E) Harvest Date

(F) THC test date and results (copy of analysis report(s))

(G) The yield of the site at harvest

(H) Any factors impacting harvest, including seed pressure, irrigation, storm damage, flooding, drought or any other issue arising

(3) All records, reports and documents shall be kept and maintained for a minimum of three years and made available to the Department for inspection upon request.

(d) *General Responsibilities.*

(1) Assure all hemp plants and products are within the boundaries of the legal description of the land, plot map and geospatial location submissions made to the Department as required by subsection (ii) above. Cannabis plants found planted, cultivated, propagated or growing outside of the boundaries will not be covered by the permit, will constitute a violation of this General Permit and will be subject to destruction.

(2) *Cessation of propagation.* If the permit holder intends to stop planting, growing, propagating or cultivating hemp, the permit holder shall notify the Department and implement all measures ordered by the Department to destroy the hemp, including all regrowth, seeds, plantings, cultivars and parts of the hemp plant.

(3) *Abandonment.* If the permit holder abandons, relinquishes possession or ownership of, control over or responsibility for the hemp in a manner inconsistent with the provisions of this General Permit, all plant material, regrowth, seeds, plantings, cultivars and parts of the hemp plant shall be destroyed in a manner ordered and approved by the department.

(4) *Continued responsibility.* The original permit holder shall continue to be responsible for the hemp and hemp materials, seeds, regrowth, plantings, cultivars and parts of the hemp plant and the cost of destruction and eradication thereof.

(5) *Penalties.* The original permit holder shall continue to be subject to the penalties imposed under the Act and this General Permit.

Article IV. Sampling and Testing for THC.

(a) *Sampling and testing for THC.* All hemp planted, cultivated, propagated or growing in Pennsylvania shall be sampled and tested to determine THC concentration levels.

(1) *Sampling*

(i) Official samples must be collected by a Department-certified sampling agent and in accordance with the sampling procedures and requirements established by the Department and set forth on the Department's Hemp Program webpage: https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(ii) The sampling procedures will assure a representative sample of each variety and lot is procured for testing and address the process and procedures to be followed from entering a growing area and collecting the minimum number of plant specimens necessary to accurately represent the THC content, through laboratory testing of the samples and reporting results.

(iii) Samples must be collected no more than fifteen (15) days prior to harvest.

(A) If THC results are returned within the THC compliance level, but the harvest is delayed more than 15 days from the sampling date, the lot must be resampled.

(B) If USDA publishes any changes to their rulemaking documents for the domestic hemp production program that increase the allowable window between sampling and harvest required in a state hemp plan, that change will be incorporated into the Pennsylvania program at the first available effective date set by the USDA rule.

(iv) A Chain of Custody Form developed by the Department shall be utilized by all persons authorized to take Official samples.

(v) A sample receipt shall be completed by the certified sampling agent or Department employee conducting the sampling and signed by the hemp permit holder or an authorized representative thereof, who must be present when sampling is taking place.

(vi) No sample(s) may be removed from the permitted site prior to the chain of custody form and sample receipt being completed and signed.

(2) It shall be the responsibility of the hemp permit holder to assure that each hemp lot described in their permit is sampled and tested according to the guidelines established by the Department.

(i) The hemp permit holder shall hire a Department-certified sampling agent to take a representative sample of each lot of hemp planted, cultivated, propagated or grown, to submit for testing.

(ii) It is the responsibility of the permit holder to schedule official sampling and testing prior to harvest and to be present or have an authorized representative present at the growing site at the time of sampling.

(iii) The permit holder shall designate the specific laboratory where samples will be sent for THC testing. The laboratory shall be an independent laboratory able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f) below.

(iv) The hemp permit holder shall pay any fees charged and costs associated with sampling and testing.

(v) A permit holder may request that the laboratory run a second test on an official sample retained by the laboratory, if the grower questions the results of that first test. The permitted grower shall pay the fees and costs of retesting.

(vi) The permitted grower shall agree to the release of all official test results from the laboratory directly to the Department.

(3) The Department may conduct random audits of hemp permit holders and take its own samples for testing.

(i) A Department employee may take Official samples to audit samples taken by a certified sampling agent. Such audits will be done on a random basis and may be done at the Department's discretion.

(ii) The Department may also take Official samples pursuant to an investigation, as the result of a complaint or where an Official sample tests above the 0.3% THC concentration threshold.

(b) *Prohibition Against Harvest Prior to Testing.*

(1) Hemp may not be harvested prior to an official sample being taken by the Department or a Department certified sampling agent.

(2) Any sample taken after harvest shall not be accepted, the crop will no longer be compliant, a notice of violation may be issued, and the harvested material may be required to be destroyed. Limited exceptions may be made, at the discretion of the Department, if errors in the process of sampling and testing rendered an Official sample suspect or untestable, and the permit holder had already begun legal harvest before a second sample could be obtained.

(c) *Movement Prohibition.* The following rules and requirements shall apply to the movement of hemp plants, parts and products. No hemp plants, plant parts or products are permitted to be removed from the permitted growing site until all the following rules and requirements have been met:

(1) THC testing has been completed on all samples by the Department or an independent laboratory able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f) below.

(2) The testing confirms acceptable THC level(s) at or below 0.3% on a dry weight basis for all samples from each representative lot.

(d) *THC Testing.*

(1) THC levels in representative samples must test at or below a THC level of 0.3% on a dry weight basis.

(2) Hemp plant, plant parts or products testing above 0.3% may be subject to a control order and may be required to be destroyed.

(3) Harvested plants and plant parts must be separated and stored separately from each other according to lot, in a manner that maintains identity sufficient to associate that harvested material with specific THC test results, such as signage on bays of a storage facility, or tags on bales or packages, that provide lot or sample information.

(e) *THC Testing Laboratory Standards and Methods.* All the following shall comprise the rules and requirements for THC testing.

(1) Testing shall be done at the Department laboratory or an independent laboratory able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f). The laboratory shall be a DEA registered laboratory meeting standards of performance described in USDA regulation or guidance. The Department will delay enforcement of the requirement for DEA registration of laboratories, in parallel with the delay of enforcement announced by USDA in an enforcement discretion memo issued February 27, 2020 (<https://www.ams.usda.gov/rules-regulations/hemp/enforcement>) or any subsequent related publication by USDA.

(2) Testing for THC will be conducted using post-decarboxylation or other similarly reliable method approved by the Department and by USDA where the THC concentration level measured includes the potential to convert tetrahydrocannabinolic acid (THCA) into THC. Testing methodologies currently meeting these requirements include those using gas or liquid chromatography

with detection. The Department will provide additional instructions to laboratories on approved procedures via posting on the Department's hemp website.

(3) Testing shall be done and reported on a dry weight basis, determined either through testing of dried samples or calculation using moisture content analysis of samples.

(4) The laboratory must report a Measurement of Uncertainty (MU) with each hemp test result. The laboratory must be able to provide documentation for derivation of the measurement of uncertainty if requested by the Department.

(5) If through audit sampling, records review or other means the Department determines that a laboratory is not meeting an acceptable standard of quality in required hemp testing, it may prohibit permittees from using that laboratory for the purpose of the regulatory testing required under this General Permit.

(f) *Test Results.*

(1) Laboratories performing THC testing for hemp produced under this program shall submit certified electronic copies of all test results to the Department.

(2) The Department will provide instructions, to all laboratories performing testing for Pennsylvania permitted growers, on the information required to be included on the test report and the manner to electronically submit test results to the Department.

(3) Permitted growers shall receive and be able to provide a copy of all test results to the Department at the Department's request.

(4) Permitted growers shall be responsible for maintaining a copy of all test results for a period of 3 years and making them available to the Department upon request.

Article V. Disposal of Non-compliant Products.

(a) Where test results evidence THC levels exceeding the acceptable hemp THC level of 0.3%, the laboratory conducting the test shall promptly notify the permitted grower and the Department and provide a copy of the test results.

(b) All hemp plants, plant parts and products shall be subject to a control order from the Department and shall be held for disposal in a manner that complies with the provisions of the control orders, the CSA and DEA regulations.

(c) The material must be collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer, or official. The Department will delay enforcement of the requirement for involvement of DEA-registered reverse distributors, in parallel with the delay of enforcement announced by USDA in an enforcement discretion memo issued February 27, 2020 (<https://www.ams.usda.gov/rules-regulations/hemp/enforcement>) or any subsequent related publication by USDA, if the permittee disposes of the plants using one of the means described at <https://www.ams.usda.gov/rules-regulations/hemp/disposal-activities>.

(d) Prior to the disposal of non-compliant hemp plants, plant parts or products, the permit holder must provide the following information and obtain approval from Department. Information shall include all the following.

(1) DEA or USDA issued order of destruction, if any.

(2) Anticipated date of removal, if any.

- (3) Anticipated date of destruction.
- (4) Method of destruction.
- (e) Documentation of removal and destruction of the non-compliant hemp plants, hemp parts and hemp products. Documentation shall be submitted to the Department within five (5) business days of completion of the removal and destruction and shall include:
 - (1) Providing the Department with a copy of the documentation of disposal provided by the approved entity performing the removal and or
 - (2) Compliance with the reporting requirements established by the Department and USDA.

Article VI. Transportation.

(a) All hemp plants, hemp parts and hemp products being transported in the Commonwealth shall be packaged in a manner that complies with and allows for all the following:

- (1) Conspicuous marking and individual identification of each package, bale, or load.
- (2) Provides permit information to the transporter that can be utilized by law enforcement to verify the material is hemp, sets forth the manner of packaging, variety(s) and quantity and variety of material in each package.
- (3) Provides information setting forth each variety of hemp plant, hemp part and hemp product in the shipment.
- (4) Provides test results for all hemp, hemp parts and hemp product being transported, verifying they meet the THC standards established by law and regulation.
- (b) All movement of hemp plants, plant parts and hemp products from a planting, cultivation, propagation or growing site or initial processing site shall be conducted in a manner to prevent any release of viable plant material to the environment and to maintain the identification of the producer, permit number and lot information.
- (c) All shipments must be accompanied by shipping documents produced by the permit holder that shall include the following information (excluding samples being submitted for laboratory analysis):

- (1) Shipping date.
- (2) Origin of the shipment.
- (3) Permit holders name, address, phone number.
- (4) Growing location address (if different).
- (5) Permit number.
- (6) Variety information.
- (7) Copy of the certificate(s) of THC analysis covering all material in the shipment, (not required for seedlings).
- (8) Number of packages included in the shipment by variety.
- (9) Description of the plant or plant parts in the packaging (Ex. Seedlings, mature whole plants, buds, leaf, retted stems).
- (10) Destination of the shipment.
- (11) For seedlings and clones, variety information and producers permit number shall be available for each tray or box, and accompanying documentation shall also include permit number of the person receiving the shipment.

(12) For harvested material in packaging of any weight, each container shall be individually identified by a label secured to the package with the following information.

- (i) Permit holders name, address, phone number,
- (ii) Growing location address (if different),
- (iii) Permit number,
- (iv) Variety information.

(13) For harvested material shipped in bulk, including bales, in addition to the accompanying documentation listed above, the shipping documents shall include the approximate weight of the shipment and if baled the number of bales and a description of the plant material included in the shipment.

Article VII. Warehousing and Storage.

(a) *Movement Off the Permitted Site Prior to Results and Letter.* Hemp harvested prior to receiving THC test results, including hemp plants, hemp parts, hemp materials and hemp products, may not be moved from the permitted site until a test at or below the acceptable THC level of 0.3% is received by the permit holder.

(b) *Movement Upon Release.* Once released, movement of hemp, including hemp plants, hemp parts, hemp materials and hemp products to an offsite storage location, buyer, processor or any other location shall be accompanied by all required transportation and shipping documents required under this General Permit, Article VI.

(c) *Containment.* All transportation, warehousing and storage of hemp plants, hemp parts, hemp materials and hemp products shall be conducted in a manner to prevent any release of viable plant material to the environment and to maintain the identification of the producer, permit number and varietal information for the material in storage.

(d) *Off-site Storage or Warehousing Location.* The permitted grower shall provide the Department with the following information for storage or warehousing locations that are not on the permitted growing site but where the hemp crop shall remain under the permit holder's control/possession. If not provided directly on the initial application, this information shall be provided either on a form provided by the Department or by means of the PAPplants web application.

- (1) The legal name of the entity owning the storage location or warehouse.
- (2) The physical address and GPS location of the facility.
- (3) Date of each delivery.
- (4) Quantity, type, variety and amount of each, shipped to the facility.
- (5) Total amount of hemp in storage at each off-site location.
- (6) Permit number under which each separate load was shipped.

Article VIII. Processing.

(a) Hemp processors located in the Commonwealth are required to obtain a permit before receiving hemp materials at their facility. Some examples of processing hemp material include drying, grinding, trimming, bucking,

extracting, etc. Further guidance for processing permits can be found on the Department's Hemp Program webpages.

(1) No separate processing permit is required if all hemp being processed is from a growing permit under the same permittee and address.

(2) If hemp is received from another address, a processing permit must be obtained. A processing permit is required if receiving hemp material from other permittees or moving hemp from sites with separate permits, but all under the same permittee.

(3) No permit is required for secondary or tertiary processors that do not receive any potentially viable hemp material.

(b) A permitted processor may not accept hemp plants or plant parts unless they are

(1) From a permitted or licensed grower; and

(2) Accompanied by a certificate of analysis from a laboratory confirming the THC level of the material is not above the 0.3% limit.

(3) Hemp material received from out-of-state must meet the same sampling and testing requirements required for Pennsylvania hemp growers, as described in Article IV of this General Permit.

(c) A permit holder shall keep and make available to the Department upon request, at a minimum, the following records and documentation:

(1) Information on all shipments of hemp plants and plant parts received from all in-state and out-of-state hemp growers, including

(i) Permit or license number of the grower

(ii) Name address and phone number of the permitted or licensed grower

(iii) Certificate of analysis evidencing compliance with THC levels for each lot received

(iv) Date of delivery

(v) Amount and description of materials received.

(2) Processors shall document procedures used to render all plant material non-viable, and how that non-viable material leaves the facility (whether as usable product or waste).

(d) Processors are required to notify the Department of any attempt to sell or distribute hemp or cannabis material to them by a person who does not hold a valid permit or license from the state of origin of the shipment. The documentation shall include, if known, the name, address, phone number, amount of material offered, source of the material, and varieties.

(e) Processors are required to report to the Department any shipment of material that does not contain all the information required by section (b) of this Article VIII (related to processing).

Article IX. Distribution and Sale.

(a) *Legal Responsibility.* Growers, cultivators or propagators of hemp and processors of finished hemp products shall meet all laws, regulations, orders and requirements of all authorities that regulate any produced, marketed, labeled, or distributed hemp plant, plant part or product or such material that is sold as part of the permitted hemp program.

(b) *Branding.* The name, symbols, and logos of the Commonwealth of Pennsylvania or any of its agencies,

including the Pennsylvania Department of Agriculture, may not in any way be used in the labeling, promotion or marketing of any hemp products associated with the permit without explicit written permission from the Department.

Article X. Hemp Permit Denial, Revocation and Suspension.

(a) *Denial, Suspension or Revocation of Hemp Permit.* A hemp permit may be suspended or revoked if the Department or its representative receives credible information that a permittee has done any of the following:

(1) Violated a provision of the Act, the General Permit or the Department-issued Permit.

(2) Failed to comply with a written order of the Department.

(3) Failed to comply with a statutory or regulatory requirement of the USDA or other federal agency with jurisdiction over the growing, planting, cultivation, propagation, distribution, sale, transportation, processing, warehousing, storage or marketing of hemp.

(b) *Action Upon Suspension, Revocation or Denial.* Upon suspension, revocation or denial of a permit the permit holder shall cease all activities, including planting, cultivation, propagation, selling, distribution, transportation, harvesting, and handling of any hemp plant, hemp plant part, hemp product or hemp material and shall not remove hemp or cannabis from the permitted site or location where hemp or other cannabis was located at the time when the Department issued the suspension, revocation or denial order.

Article XI. Violations and Effective Date.

(a) The Department will carry out all enforcement provisions of the Act.

(b) When the Department determines that a negligent violation has occurred, the Department may issue a Notice of Violation and require a corrective action plan to be developed and implemented.

(c) Negligent violations include (but are not limited to):

(1) failure to provide a legal description of the land on which the hemp is produced;

(2) failure to obtain a permit before engaging in production or processing;

(3) production of plants exceeding the acceptable hemp THC level. The Department will not consider hemp producers as committing a negligent violation if they produce plants exceeding the acceptable hemp THC level if they use reasonable efforts to grow hemp and the plant does not have a THC concentration of more than 0.5 percent on a dry weight basis.

(4) Failing to file required reports with the Department in a timely manner.

(i) Planting Report or Inactive Permit Report must be submitted to the Department by September 1 of the permit year. Extensions may be granted at the discretion of the Department.

(ii) Harvest Report or Crop Loss Report must be submitted to the Department by November 15 of the permit year. Extensions to filing deadline may be granted at the discretion of the Department.

(d) For testing violations, the Department will consider multiple tests of a single lot or single source as the basis for any violation. This means that if multiple tests from a

single lot have a THC concentration exceeding the acceptable hemp THC level, the Department considers this as one violation.

(e) A corrective action plan shall include a reasonable date by which the permit holder will correct the violation and requirements for reporting back to the Department on its compliance with the plan, for a period of not less than the next two calendar years.

(f) The Department shall approve and review a corrective action plan with the permittee and its implementation may be verified during a future audit or site visit.

(g) A permit holder who has received three negligent violations in a five-year period is ineligible to produce hemp for a period of five years from the date of the third violation. Negligent violations are not subject to criminal enforcement.

(h) If the Department determines that a violation is made with a culpable mental state greater than negligence, the Department shall report the violation to the Attorney General and the chief law enforcement officer of the commonwealth, as applicable, in addition to its own enforcement action.

Effective date. This General Permit shall become effective upon signature and publication in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 20-1697. Filed for public inspection December 4, 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 November 24, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-18-2020	Republic First Bank Philadelphia Philadelphia County	201 and 211 East 9th Street Ocean City Cape May County, NJ	Approved
11-18-2020	Brentwood Bank Bethel Park Allegheny County	3603 McRoberts Road Pittsburgh Allegheny County (Limited Service Facility)	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
08-29-2020	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	25 Broadway Bangor Northampton County	Closed
11-13-2020	Customers Bank Phoenixville Chester County	1 South Main Street Yardley Bucks County	Closed
11-13-2020	Customers Bank Phoenixville Chester County	101 Theall Road Rye Westchester County, NY	Closed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-18-2020	Noah Bank Elkins Parks Montgomery County	Approved

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
	Amendment to Article V of the institution's Articles of Incorporation to provide for an increase in the number of common shares authorized to be issued from 20 million to 100 million, to reduce the par value of common stock from \$1 to \$0.10 per shares, and to authorize the issuance of nonvoting common stock as well as amend Article XIII to provide for disapplication of section 1610 of the Banking Code of 1965 (7 P.S. § 1610).	
	Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	

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. 20-1698. Filed for public inspection December 4, 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.

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 #)</i>	<i>EPA Waived Y/N?</i>
PA0113301 (Industrial)	Mansfield Borough Municipal Authority Potable Water Plant 14 S Main Street Mansfield, PA 16933	Tioga County Richmond Township	Lambs Creek (CWF) (4-A)	Y
PA0228168 (Sewage)	Glantz SRSTP 2742 Ridge Road Windsor Mill, MD 21244-1040	Centre County Patton Township	Unnamed Tributary of Buffalo Run (HQ-CWF) (9-C)	Y
PA0024627 (Sewage)	McClure Municipal Authority STP P.O. Box 138 McClure, PA 17841-0138	Snyder County McClure Borough	South Branch Middle Creek (TSF) (6-A)	Y

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>
PA0094064 (Sewage)	Keystone Restaurant & Truck Stop STP P.O. Box 277 Ebensburg, PA 15931-0277	Cambria County Munster Township	Unnamed Tributary to Noels Creek (HQ-CWF) (18-E)	Y

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>
PA0273104 (Sewage)	Wayne Bowersox SRSTP 7750 Bargain Road Erie, PA 16509	Erie County McKean Township	Unnamed Tributary to the Walnut Creek (HQ-CWF, MF) (15-A)	Y

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

Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570-327-3636, Email: RA-EPNPDES_NCRO@pa.gov.

PA0233072, Sewage, SIC Code 4952, **Donald L. Rowe**, 221 West Pine Street, Selinsgrove, PA 17870-1515. Facility Name: Rowe SFTF. This proposed facility will be located in Hartley Township, **Union 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), Penns Creek (HQ-CWF, MF), is located in State Water Plan watershed 6-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Stored until hauled away.

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

The EPA Waiver is in effect.

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

PA0024511, Sewage, SIC Code 4952, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242-1001. Facility Name: Redbank Valley STP. This existing facility is located in Mahoning Township, **Armstrong 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), Redbank Creek, is located in State Water Plan watershed 17-C 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 .59 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	123	197	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	148	221	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
Manganese, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is hauled offsite for disposal at Greentree Landfill in Brockway, PA.

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.

PA0020605, Sewage, SIC Code 4952, **Union City Borough Municipal Authority**, 22 South Main Street, Union City, PA 16438-1329. Facility Name: Union City STP. This existing facility is located in Union Township, **Erie 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), South Branch French Creek (CWF), is located in State Water Plan watershed 16-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Mercury, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Mercury, Total (ug/L)	0.0016	0.0032	XXX	0.14	0.28	0.35

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Weekly	Minimum	Average	Weekly	
	Monthly	Average		Monthly	Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.20	XXX	0.7
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	233	350	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		Daily Max				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		Daily Max				
Raw Sewage Influent	350	525	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	158	XXX	XXX	13.5	XXX	27
May 1 - Oct 31	52.5	XXX	XXX	4.5	XXX	9
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	XXX	XXX
Chloroform	XXX	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is dewatered and sent to Lake View Landfill in Erie County, PA for disposal.

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

- Whole Effluent Toxicity (WET)
- Water Quality-Based Effluent Limits for Toxic Pollutants

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.

PA0288802, Sewage, SIC Code 8800, **James Daugherty**, 1230 Gulf Boulevard, Suite 701, Clearwater, FL 33676. Facility Name: James Daugherty SRSTP. This proposed facility is located in Forward Township, **Butler County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

PA0288781, Sewage, SIC Code 8800, **Kirk Heilman**, 28 Rutledge Road, Greenville, PA 16125-8702. Facility Name: Kirk Heilman SRSTP. This proposed facility is located in South Pymatuning Township, **Mercer County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 1520407, Borough of West Chester, 401 E. Gay Street, West Chester, PA 19380.

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

Description of Action/Activity: Installation of 3 new tertiary disk filters, a filter feed pump station, a wet well, and a filter effluent chamber.

WQM Permit No. 0920406, Sewage, **George Short**, 1176 Timber Lane, Chalfont, PA 18914-3454.

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

Description of Action/Activity: Construction and operation of a single residence sewage treatment facility with discharge to unnamed tributary to Mill Creek to repair existing malfunctioning onlot sewage system.

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

WQM Permit No. 4520401, Sewage, **Pocono Mobile Home Estates**, P.O. Box 369, Stroudsburg, PA 18360-0369.

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

Description of Proposed Action/Activity: The project is for the replacement of the 3,150 gallons per day (gpd) on-lot sewage disposal system (front system) at the site. Two 3,000-gallons septic tanks, a transfer pump and transfer tank, a 2" SDR 21 PVC low pressure sewer line leading from the transfer pump to the dosing tank, a new dosing system and two 3,667 gpd disposal beds will replace the existing treatment components. There are no proposed improvements to the rear on-lot sewage disposal system at the site.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 1120404, Sewage, **Nanty Glo Borough Sanitary Sewer Authority**, 879 Wood Street, Nanty Glo, PA 15943-1371.

This proposed facility is located in Blacklick Township, **Cambria County**.

Description of Proposed Action/Activity: Replacing a sanitary pump station with a gravity sewer line.

WQM Permit No. 6520404, Sewage, SIC Code 8811, **Susan C. Troisi**, 3031 Baker School Road, Irwin, PA 15642-9788.

This proposed facility is located in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction and operation of single residence sewage treatment plant.

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

WQM Permit No. 2020405, Sewage, **Frances & Timothy Maziarz**, 15913 Wagner Drive, Meadville, PA 16335-9691.

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

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

WQM Permit No. 2591414 A-1, Sewage, **Summit Township Sewer Authority Erie County**, 8890 Old French Road, Erie, PA 16509.

This existing facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Oliver Road Pump Station upgrade.

WQM Permit No. 1690402 A-1, Sewage, **PA American Water Co.**, 425 Waterworks Road, Clarion, PA 16214-2343.

This existing facility is located in Paint Township, **Clarion County**.

Description of Proposed Action/Activity: Replacement of gas chlorination system with sodium hypochlorite feed system at Paint Elk STP.

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

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>
PAD210062	Joe Ramer 98 Mooney Road Shippensburg, PA 17257-9625	Cumberland County	South Newton Township	Yellow Breeches Creek (HQ-CWF, MF)
PAD500010	Old Trail Campground 1764 Old Trail Road Liverpool, PA 17045-9201	Perry County	Buffalo Township	Susquehanna River (WWF)
PAD670048	Transource Pennsylvania, Inc. 1 Riverside Plaza Columbus, OH 43215-2355	York County	Lower Chanceford Township	UNT SF Otter Creek (CWF) UNT Furnace Run (CWF) Furnace Run (CWF)

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

PAD020030, United States Steel Corporation, 13th Street and Braddock Avenue, Braddock, PA 15104. Mon Valley Works—Edgar Thomson Plant, Project Site Address: 13th Street and Braddock Avenue, Braddock, PA 15104, Braddock and North Braddock Boroughs, **Allegheny County**.

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the following named applicant to authorize discharges of stormwater associated with construction activities from the following named project site to surface waters of the Commonwealth. Total Earth Disturbance Area: 50 acres, Surface Waters Receiving Stormwater Discharges: Monongahela River, WWF

Project Description: The scope of the USS Project ICON consists of construction of an Endless Strip Production (ESP) line and associated equipment at the existing Edgar Thomson (ET) Plant. Proposed activities include the construction of a

new ESP building, an extension to the existing Caster building, existing facility renovations, temporary maintenance facilities, relocation of existing equipment and storage areas, and demolition to accommodate the addition of the ESP line.

To address post construction stormwater discharges from the work associated with Project ICON, USS proposes to implement improvements that segregate the existing combined drainage systems into separate stormwater and process/noncontact cooling water systems within the ET facility, erect an Equalization Tank to collect stormwater runoff, install treatment equipment to process stormwater, and realize the beneficial recycle/re-use of the treated stormwater and route it into the Edgar Thomson water system.

The following effluent limitations are proposed for the discharge of stormwater from construction activities:

<i>Parameter</i>	<i>Daily Maximum</i>
Flow (gpm)	Report
Duration (hours)	Report Total Time
Total Suspended Solids (mg/L)	60
Iron, total (mg/L)	3.0
Aluminum, total (mg/L)	0.75
Manganese, total (mg/L)	2.0
Cadmium, total (ug/L)	0.542
pH (S.U.)	6.0 to 9.0 at all times

The Department of Environmental Protection (DEP) has made a tentative decision to issue an Individual NPDES Permit to the applicant previously named. Interested persons may submit written comments to DEP at the previously listed address for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 412.442.4000.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020035	DRI/CA Pittsburgh, LLC Suite 2100 130 East Randolph Street Chicago, IL 60601	Allegheny County	City of Pittsburgh	Monongahela River (WWF)
PAD020627	Allegheny County Airport Authority Fourth Floor Mezzanine Landside Terminal P.O. Box 12370 Pittsburgh, PA 15231-0370	Allegheny County	Findlay Township	UNT to Raccoon Creek (WWF); a UNT to Montour Run (TSF)
PAD630056	Pennsylvania Department of General Services Bureau of Engineering and Architecture 18th and Herr Streets Room 201 Harrisburg, PA 17125-0001	Washington County	North Bethlehem Township	Little Chartiers Creek (HQ-WWF)
PAD650024	Bella Construction 13380 Lincoln Highway North Huntingdon, PA 15642	Westmoreland County	North Huntingdon Township	Jacks Run (HQ-TSF)

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 0920522, Public Water Supply.

Applicant **North Wales Water Authority**
200 West Walnut Street
North Wales, PA 19454

Township Warrington

County **Bucks County**

Responsible Official Brad Fisher
200 West Walnut Street
North Wales, PA 19454

Type of Facility PWS

Consulting Engineer Michael H. McRee CKS, Inc.
4259 West Swamp Road
Suite 410
Doylestown, PA 18902

Application Received Date November 19, 2020

Description of Action To install granular activated carbon filter vessels to treat PFOS/PFOA groundwater.

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. 4020515, Public Water Supply.

Applicant **Suez Water Pennsylvania, Inc.**
(Suez Water Dallas)
6310 Allentown Blvd.
Harrisburg, PA 17112

Municipality Dallas Borough

County **Luzerne County**

Responsible Official John D. Hollenbach
General Manager

Type of Facility Public Water Supply

Consulting Engineer Brendan J. West, P.E.
Suez Water Pennsylvania, Inc.
6310 Allentown Blvd.
Harrisburg, PA 17112

Application Received Date November 3, 2020

Description of Action This application proposes construction of a new Highpoint Booster Station to replace the existing booster station serving the Highpoint Acres pressure district.

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

Permit No. 0620520, Public Water Supply.

Applicant **Crossroads Beverage Group LLC**

Municipality Muhlenberg Township

County **Berks County**

Responsible Official Kirk Richmond
Chief Operation Officer
1055 Crossroads Blvd
Muhlenberg, PA 19150

Type of Facility Public Water Supply

Consulting Engineer Kenneth M. Justice, P.E.
AEON Geosciences, Inc.
2120 Bellemead Avenue
Havertown, PA 19083

Application Received: October 14, 2020

Description of Action New unload station, spring silo to silo transfer system, 20,000-gallon horizontal tank at the source, additional tankers.

Permit No. 0620521, Public Water Supply.

Applicant **Fleetwood Borough**

Municipality Ruscombmanor Township

County **Berks County**

Responsible Official Craig Conrad
Public Works Director
110 Arch Street, Suite 104
Fleetwood, PA 19522

Type of Facility Public Water Supply

Consulting Engineer Bradley D. Smith, P.E.
ARRO Consulting, Inc.
50 Berkshire Court
Wyomissing, PA 19610

Application Received: October 21, 2020

Description of Action Rescind Well No. 6 and Spring Nos. 10—12.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 6520506, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

Township Bell Township

County **Westmoreland County**

Responsible Official John Ashton, Assistant Manager

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Application Received Date October 26, 2020

Description of Action Upgrade of the existing 24 MGD Sweeney raw water pump station to 35 MGD.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 4560053-T1, Minor Amendment.

Applicant	Hillcrest Park, LLC 301 Village Drive Apt. 211 King of Prussia, PA 19406
Township or Borough	Somerset Township
County	Somerset County
Responsible Official	Charles Branton, Owner
Type of Facility	Water system
Consulting Engineer	G Force Engineering Services, LLC 1630 Philadelphia Street Unit 40 Indiana, PA 15701
Application Received Date	October 12, 2020
Description of Action	Transfer of the public water supply facilities for the Hillcrest Manor MHP previously owned by Hillcrest Manor MHP, LLC.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**UNDER ACT 2, 1995
PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period

for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified sites, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Former Leiser's Property, 3608 Nazareth Pike, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Collaboration 3A, LLC, One East Broad Street, Suite 310, Bethlehem, PA 18018, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of gasoline from an underground storage tank. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Express Times* on November 7, 2020.

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

Repsol Oil & Gas USA, LLC—Kline (01-125) Well Site, 1777 Oak Hill Road, Troy, PA 16947, Springfield Township, **Bradford County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil & Gas USA, LLC, 50 Pennwood Place, Warrendale, PA 15086, has submitted a Notice of Intent to Remediate concerning site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Residential Background and Statewide Health Standards. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on October 20, 2020.

Durabilt Custom Homes, LLC, 1910 North Old Trail, Selinsgrove, PA 17870, Monroe Township, **Snyder County**. Molesevich Environmental, LLC, P.O. Box 654, Lewisburg, PA 17837, on behalf of Durabilt Custom Homes, LLC, 1910 North Old Trail, Selinsgrove, PA 17870 has submitted a Notice of Intent to Remediate concerning site soil and groundwater contaminated with petroleum. The applicant proposes to remediate the site to meet the

Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on October 3, 2020.

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Booth and West 4th Street, 2900 West 4th Street, Chester, PA 19013, City of Chester, **Delaware County**. Paul White, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Michael Frankel, FMM QOZB, LLC, P.O. Box 67, Essington, PA 19029 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with VOCs, SVOCs and metals. The site is leased to multiple commercial tenants for various uses, including auto and truck repair, auto detailing, storage, and carpentry. The proposed cleanup standard for the site is the Statewide Health Standard. The Notice of Intent to Remediate was published in the *Delaware County Daily Times* on October 20, 2020.

Bristol Croydon Property, 3111 State Road, Croydon, PA 19021, Bristol Township, **Bucks County**. Christopher J. Zieger, Dynamic Earth, LLC, 790 Newtown Yardley Road, Newtown, PA 18940 on behalf of Ian D. Katz, Croydon State, LLC, 227 East 56th Street, New York, NY 10022 submitted a Notice of Intent to Remediate. Soil and groundwater have been impacted with the release of VOCs, SVOCs, metals and vanadium. The site is intended for non-residential use. The proposed cleanup standard for the site is the Statewide Health Standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on February 2, 2018.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received and Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 101679. Blythe Township, P.O. Box 91, Cumbola, PA 17930. An application for major permit modification to increase the average daily volume and maximum daily volume from 1,500 tons per day to 3,000 tons per day and to change the waste acceptance hours to 4:00 AM to 8:00 PM at the Blythe Recycling and Demolition Site (BRADS) landfill located in Blythe Township, **Schuylkill County**. The application was submitted to the Department on September 22, 2020 and was subject to the Local Municipality Involvement Process (LMIP). The LMIP meeting took place on November 4, 2020. The application was found to be administratively complete by the Northeast Regional Office on November 13, 2020.

Comments concerning the application should be directed to Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Permit Application ID No. 100419. Advanced Disposal Services Chestnut Valley Landfill, Inc., 1184 McClellandtown Road, McClellandtown, PA 15458. A Solid Waste Management permit application was received for a 10-year renewal for the Chestnut Valley Landfill, located in German Township, **Fayette County**. The application was received in the DEP Regional Office in Pittsburgh on September 14, 2020.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection

Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

22-05050C: Dauphin Meadows Inc./Millersburg Municipal Waste Landfill (100 Brandywine Blvd., Suite 300, Newtown, PA 18940-4002) for the modification of the gas collection and control system (GCCS) which allows for the permanent passive operation of the landfill gas (LFG) collection system by removing the enclosed ground flare (DEP ID No. C001) and the LFG Utility Flare (DEP ID No. C002) at the facility in Washington Township, **Dauphin County**. Potential emissions are not expected to exceed 1.2 tons per year (tpy) of VOC and 0.1 tpy of HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination source as constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

13-00005: ITG Cigars, Inc. (1000 Tresckow Road, McAdoo, PA 18237-2504). The Department intends to issue a renewal Title V Operating Permit for a tobacco processing facility in Banks Township, **Carbon County**.

The facility sources include three (3) natural gas and No. 6 fuel oil-fired boilers, parts cleaners, five (5) casting lines, one (1) 200 kW diesel-fired emergency generator, and four (4) coating mix tanks. Control devices include wet scrubbers for casting lines. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

56-00167: North American Hoganas, Inc. (111 Hoganas Way, Hollsopple, PA 15935). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to North American Hoganas Inc. (NAH) for their Stony Creek Plant located in Quemahoning Borough, **Somerset County**.

NAH produces atomized iron powder, mixed iron and low alloy steel powders at the Stony Creek Plant. The facility utilizes an Electric Arc Furnace (EAF), induction furnaces, heat-treating furnaces, atomizer, annealing furnaces, screen, vacuum degasser, shot blast, and rotary dryer. There are several baghouses to control particulate emissions. This facility has the estimated potential emissions of the following type and quantity of air contaminants (on an annual basis): 212.35 tons of CO, 66.21 tons of NO_x, 3.55 tons of SO_x, 61.21 tons of PM₁₀, 13.76 tons of VOCs, and 8.47 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Part 60 Subpart AAa, 40 CFR Part 63 Subpart ZZZZ, and 25 Pa. Code Article III, Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.521(b) (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit TV-56-00167) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discre-

tion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests and requests for a public hearing should be directed to Noor Nahar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222.

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.

15-00041: Eastern Shore Natural Gas Company (604 Street Rd., Cochranville, PA 19330). A State-Only Operating Permit renewal for the operation of a five (5) natural gas-fired compressors internal combustion engines and two (2) natural gas-fired emergency generators at its Daleville Compressor Station located in Cochranville, Londonderry Township, **Chester County**. The Daleville Compressor Station is a natural gas pipeline transmission facility that is part of the Eastern Shore Natural Gas Company's pipeline transmission system.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the previously listed contact person in the header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

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.

67-05013: York City Sewer Authority (1710 Black Bridge Road, York, PA 17402) to issue a State Only Operating Permit for the operation of the wastewater treatment plant in Manchester Township, **York County**. Emissions from the facility in 2019 are as follows: CO—10.60 tpy, NO_x—9.01 tpy, PM₁₀—0.30 tpy, SO₂—0.51 tpy, VOC 23.00 tpy. 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.

28-05048: Wipro Enterprises, Inc. (1101 Sheffler Drive, P.O. Box 371, PA 17201) for a hydraulic cylinder manufacturing facility in Chambersburg Borough, **Franklin County**. This is for renewal of the existing State-Only Permit. The potential emissions are calculated to be 13.54 tpy VOC, 2.53 tpy total HAPs, 2.17 tpy NO_x, 1.83 tpy CO, 0.17 tpy PM₁₀, and 0.01 tpy SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the

applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 and § 129.52d.

21-03054B: Hollinger Funeral Home & Cremation, Inc. (501 N Baltimore Ave, Mount Holly Springs, PA 17065) for the operation of a human crematory and pet crematory located in Mount Holly Springs Borough and South Middletown Township respectively in **Cumberland County**. This is for an initial State-Only Permit. The combined emissions from both proposed crematories will not exceed the following limits: 2.78 tpy CO, 3.34 tpy NO_x, 2.42 tpy PM₁₀, 1.08 tpy SO_x, and less than 1 tpy of VOC and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

32-00428: Creps United Publications, LLP (4185 Route 286 Hwy West, Indian, PA 15701). The Department intends to issue a Natural Minor State Only Operating Permit for commercial printing facility located at the Windy Ridge Industrial Park in White Township, **Indiana County**. The subject facility consists of four heatset web offset lithographic printing presses controlled by two regenerative thermal oxidizers. The facility has the potential to emit (TPY): 16.0 NO_x, 13.5 CO, 1.2 PM, 44.0 VOC, 8.0 HAPS, and 18,753.0 CO_{2e}. The facility is subject to State Regulations. 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.

37-00287: Ed & Don DeCarbo Funeral Home & Crematory, Inc. (3000 Wilmington Road, New Castle, PA 16105). The Department intends to issue the renewal State-Only Operating Permit of a funeral home located in Neshannock Township, **Lawrence County**. Permitted air contamination sources at the facility are a natural gas-fired human crematory and a natural gas-fired furnace. The crematory is subject to requirements established through PA 37-301-021. In this renewal, no major permit changes are made. The facility is Natural Minor for permitting purposes.

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 Natural Minor Operating Permit Renewal for operation of air pollution sources at the following facility:

OP20-000039: Rivers Casino Philadelphia (1001 N. Delaware Ave., Philadelphia, PA 19125) for the operation of a casino/gaming facility, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas each rated 1.5 MMBtu/hr, two (2) water heaters firing natural gas each rated 0.5 MMBtu/hr, eleven (11) roof top units firing natural gas each rated less than 1 MMBtu/hr, one (1) roof top unit firing natural gas rated 1.375 MMBtu/hr, four (4) energy recovery units firing natural gas each rated 1.25 MMBtu/hr, four (4) makeup air units firing natural gas each rated less than 1 MMBtu/hr, one (1) emergency

generator firing diesel fuel rated 3,353 HP and one (1) emergency generator firing ultra-low sulfur diesel fuel rated 1,214 HP. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

The City of Philadelphia, Air Management Services (AMS) intends to renew a Synthetic Minor (State Only) Operating Permit for the following facility:

OP20-000032: Albert Einstein Medical Center (5501 Old York Road, Philadelphia, PA 19141), for operation of 3 (three) combustion unit each rated less than 10 MMBtu/hr firing Natural gas and No. 2 fuel oil, one combustion unit rated less than 30.1 MMBtu/hr firing Natural gas and No. 2 fuel oil, three (3) diesel emergency generators each rated 1,225 kw, three (3) diesel emergency generators each rated 600 kw, two (2) diesel emergency generators each rated 800 kw, and two (2) diesel emergency generators each rated 300 kw in the City of Philadelphia, **Philadelphia County**.

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.

The City of Philadelphia, Air Management Services (AMS) intends to issue a Synthetic Minor Operating Permit for operation of air pollution sources at the following facility:

OP20-000036: Philadelphian Condominiums (2401 Pennsylvania Avenue, Philadelphia, PA 19130) for the operation of an apartment building, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eleven (11) boilers firing natural gas or No. 2 oil each rated less than 5 MMBtu/hr, two (2) chillers firing natural gas each rated 6.9 MMBtu/hr, one

(1) emergency generator firing diesel fuel rated 635 HP and one (1) fire pump firing diesel fuel rated 145 HP. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor (State Only) Operating Permit for the following facility:

OP19-000020: Phoenix Lithographing Corporation (11631 Caroline Rd., Philadelphia, PA 19154) for the operation of air pollution source at a lithographic printing facility, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following:

- Two (2) heatset presses with capacities of 1,800 feet per minute (ft/min) and 52,000 impressions per hour (imp/hr), respectively
- Three offset sheetfed presses with capacities of 18,000 sheets per hour (sh/hr), 18,000 sh/hr, and 16,500 sh/hr, respectively
- One web coldset presses with a capacity of 20,000 imp/hr
- Two web coldset presses, both with capacities of 1,600 ft/min
- Two web coldset presses (capacities unavailable)
- Two natural gas-fired dryers rated 3 million British thermal units per hour (MMBtu/hr) and 2.73 MMBtu/hr, respectively
- One regenerative thermal oxidizer (RTO) with two burners, each rated 1.5 MMBtu/hr

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:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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).

Permit No. 30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for construction of an injection borehole for Bailey Mine & Prep Plant in Richhill Township, **Greene County**, affecting 5.9 proposed surface acres. No additional discharges. The application was considered administratively complete on November 13, 2020. Application received: September 30, 2020.

Permit No. 56171301 and NPDES Permit No. PA0236411. LCT Energy, LP, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, to operate a new underground mine via room and pillar method and related NPDES Permit adding discharge points 001—004 for Boone Deep Mine in Stonycreek Township and Indian Lake Borough, **Somerset County**, affecting 167.0 proposed surface acres, 760.7 proposed subsidence control plan acres and 760.7 proposed underground acres. Receiving stream(s): Tributary A to Boone Run classified for the following use(s): CWF and Unnamed Tributary B to Boone Run classified for the following use(s): CWF. The application was considered administratively complete on October 29, 2020. Application received: September 14, 2020.

Permit No. 63733706. Maple Creek Mining, Inc., 46226 National Road, St. Clairsville, OH 43950, to revise the permit to construct a collection channel to convey surface runoff from the site to correct erosion existing adjacent to the current permit boundary for Ginger Hill Refuse Area I in Nottingham Township, **Washington County**, affecting 3.5 proposed coal refuse disposal acres. No discharges. The application was considered administratively complete on February 12, 2020. Application received: February 12, 2020.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 56950105 and NPDES No. PA0213136. Marquise Mining Corp., P.O. Box 338, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 245 acres. Receiving streams: unnamed tributaries to Wells Creek and unnamed tributaries to the Stonycreek River classified for following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is the Hooversville Municipal Authority. Application received: November 17, 2020.

Permit No. 11000103 and NPDES No. PA0235067. T.J. Mining, Inc., P.O. Box 370, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 85.3 acres. Receiving streams: Unnamed tributaries to/and Burgoon Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 17, 2020.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

Permit No. 33813020 and NPDES No. PA0603465. Original Fuels, Inc. (P.O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine and associated NPDES permit in Winslow Township, **Jefferson County**, affecting 285.2 acres. Receiving stream(s): Unnamed tributaries to Front Run and unnamed tributaries to Trout Run, classified for the following use(s): CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 13, 2020.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 03130102. Reichard Contracting, Inc., 212 Olean Trail, New Bethlehem, PA 16242. Revision application for land use change from forestland to unmanaged natural habitat to an existing bituminous surface mine, located in Boggs and Wayne Townships, **Armstrong County**, affecting 117.0 acres. Receiving streams: Scrubgrass Creek and 8 unnamed tributaries to Scrubgrass Creek, to Mahoning Creek to the Allegheny River, classified for the following use: CWF; WWF. Application received: November 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, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

Permit No. 37140301 and NPDES Permit No. PA0259551. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001), revision to an existing large industrial mineral surface mine to add a sediment pond in Wayne Township, **Lawrence County**, affecting 239.4 acres. Receiving stream(s): Unnamed tributaries to Connoquenessing Creek and unnamed tributaries to Squaw Run classified for the following use(s): WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 10, 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.

Noncoal NPDES Draft Permits

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0257974 (Permit No. 24050301). North Star Aggregates, Inc. (P.O. Box 51, Penfield, PA 15849). Renewal of an NPDES permit for a large industrial mineral surface mine in Horton Township, **Elk County**, affecting 130.0 acres. Receiving stream(s): Oyster Run and Johnson Run, classified for the following use(s): CWF. TMDL: Little Toby Creek. Application received: October 1, 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 noncoal mining activities.

The following outfalls discharge to Johnson Run and Oyster Run:

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

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

<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

¹ The parameter is applicable at all times.

The following outfalls discharge to Johnson Run and Oyster Run:

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

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

<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

¹ The parameter is applicable at all times.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0595691. H & K Group, Inc. (P.O. Box 196, Skippack, PA 19474), renewal of NPDES Permit on Permit No. 5878SM3 in Penn Forest Township, **Carbon County** affecting 20.0 acres. Receiving stream: Stony Creek Watershed classified for the following use: Exceptional Value. The first downstream potable water supply intake from the point of discharge is the Lehighon Water Authority, Lehighon, PA. The Department has made a tentative determination to impose the following effluent limitations. Application received: May 25, 2018.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	No	Pit Water
002	No	Pit Water

<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)		Monitor And Report		
Total Acidity (as CaCO ₃) (mg/L)		Monitor And Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		0.5		
Turbidity (NTU)		40.0	80.0	100.0

¹ This Parameter is applicable at all times.

NPDES Permit No. PA0595683. H & K Group, Inc. (P.O. Box 196, Skippack, PA 19474), renewal of NPDES Permit on Permit. No. 7373SM1 in Penn Forest Township, **Carbon County** affecting 20.0 acres. Receiving stream: Stony Creek Watershed, classified for the following use: Exceptional Value. The first downstream potable water supply intake from the point of discharge is the Lehighon Water Authority, Lehighon, PA. The Department has made a tentative determination to impose the following effluent limitations. Application received: November 21, 2018.

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

<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)		Monitor And Report		
Total Acidity (as CaCO ₃) (mg/L)		Monitor And Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0

¹ This Parameter is applicable at all times.

NPDES Permit No. PA0595829. H & K Group, Inc. (P.O. Box 196, Skippack, PA 19474), renewal of NPDES Permit on Permit No. 13930301, in Penn Forest Township, **Carbon County** affecting 14.9 acres. Receiving stream: Stony Creek Watershed, classified for the following use: Exceptional Value. The first downstream potable water supply intake from the point of discharge is the Lehighon Water Authority, Lehighon, PA. The Department has made a tentative determination to impose the following effluent limitations. Application received: May 25, 2018.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	No	Pit Water
002	No	Stormwater

<i>Outfalls: 001 Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)		Monitor And Report		
Total Acidity (as CaCO ₃) (mg/L)		Monitor And Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)				35.0
Iron (mg/L)				0.38
Manganese (mg/L)				0.22
Aluminum (mg/L)				0.50
Sulfates (mg/L)				24.0
Total Dissolved Solids (mg/L)				143.0
Turbidity (NTU)				40.0
Discharge (MGD)		0.05		

<i>Outfalls: 002 Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)		Monitor And Report		
Total Acidity (as CaCO ₃) (mg/L)		Monitor And Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L) 001		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0

¹ This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant state requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS**Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E4601220-035, Commerce Pursuit Capital, L.P., 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034-3249, Lower Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 196-unit senior living facility including amenities on an approximately 10-acre vacant parcel within the floodway/floodplain of the Huntingdon Valley Creek and a UNT (TSF-MF), associated with the Arbour Square Project. The project will also include the following activities:

1. Construct and maintain new entranceway crossing bridge 64-feet long, 30-feet wide x 9.13-feet high conspan culvert.
2. Rehabilitate and maintain the existing culvert beneath the Philmont Avenue for road widening, 24-feet long, 7-foot wide x 3-foot high box culvert.
3. Remove one existing concrete bridge.
4. Construct and maintain four outfall structures.
5. Construct and maintain six utility line stream crossings.

The site is located at about 500 feet southwest of Philmont Avenue and Red Lion Road (Frankford, PA USGS Quadrangles Latitude: 40.1194444; Longitude: -75.0591667) in Lower Moreland Township, Montgomery County.

Permit No. E51-294, Desert Diamond 34, L.P., c/o Ensemble Investments LLC, 444 West Ocean Boulevard, Suite 1108, Long Beach, CA 90802, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain a 22-story residential tower, parking garage, and miscellaneous amenities along the floodway/floodplain of the Delaware River (WWF, MF) associated with the family dwellings and redevelopment of Piers 34 and 35 south improvements. The project will include approximately 160 steel pipe piles, public access park, walkway, two observation platforms, 2 storm water outfalls, and in-water habitat enhancement, etc.

The site is located at 735 South Columbus Boulevard and Piers 34 and 35 (Philadelphia, PA USGS Quadrangle, Latitude: 39.938177; Longitude: -75.140771) in the City of Philadelphia, Philadelphia County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

E0703220-024. Allegheny Township Sewer & Water Authority, 3131 Colonial Drive, Duncansville, PA 16648, FILLIN Allegheny Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain approximately 7,850 feet of 8-inch sanitary sewer main extension involving two utility line crossings of an a UNT to Spencer Run (WWF, MF), and three permanent wetland impacts totaling 0.061

acre of exceptional value wetlands, all for the purpose of upgrading multiple residences from on-lot septic systems. The project is located in the area of Burns Avenue (T-432) and Mill Road (T-406) in Allegheny Township, Blair County (40.5645; -78.4445).

E2203120-028. PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, City of Harrisburg, Paxtang Borough and Swatara Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To construct a 60-inch diameter outfall in the floodway of Paxton Creek (WWF, MF) for the purpose of improving transportation in City of Harrisburg, Paxtang Borough and Swatara Township, Dauphin County (40.25466°; -76.8619°). The project proposes to temporarily impact 63 linear feet of stream channel. This project is an early action project that is part of a larger ongoing phased project identified as East Shore I-83 Section 078 & 079 Widening project.

E3603220-027. Lancaster County, 150 North Queen Street, Lancaster, PA 17603, Leacock and Paradise Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to (1) install and maintain a 96 foot x 28 foot bridge over Pequea Creek (WWF, MF) with R-8 Riprap scour protection and (2) construct road realignment in the floodway of Pequea Creek (WWF, MF) along Pequea Valley Road for the purpose of improving transportation safety in Leacock and Paradise Townships, Lancaster County (40.0179°; -76.0698°). The project proposes to permanently impact 93 linear feet of stream channel and 173 linear feet of stream channel as temporary impacts.

E6703220-024. Cubes at Locust Point, LLC, 200 Barr Harbor Drive, Suite 250, Conshohocken, PA 19428, Conewago Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to 1) place and maintain fill in five (5) separate forested wetlands in the watershed of Little Conewago Creek (TSF-MF) totaling 0.39 acre, 2) place and maintain fill in 404 linear feet of an Unnamed Tributary to Little Conewago Creek (TSF-MF), and 3) construct and maintain a stormwater outfall in the floodway of Little Conewago Creek (TSF-MF) impacting 0.07 acre of floodway, all for the purpose of constructing a regional warehouse distribution facility (Latitude: 40.0652; Longitude: -76.5211). The project is located near the intersection of Locust Point Road and E. Andes Road in Conewago Township, York County. The applicant proposes to impact a total of 0.39 acre of wetland and proposes to purchase credits for compensatory mitigation from the First Pennsylvania Resource, LLC Codorus Creek Mitigation Bank (PADEP Permit #MB990367-001).

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E4129220-030. ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701. Mallory Group Pad A in Cascade & Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain a permanent 330' x 570' stone natural gas well pad and approximately 0.88-mile (4,645 ft) newly constructed access road off of the Bieber Sisters Pad A access road in Cascade and Plunketts Creek Township, Lycoming County.

Additionally, the project proposes the installation of two (2) 12" diameter HDPE temporary water lines (TAGWL) measuring approximately 0.88-mile (4,670 ft) to be located along the north side of the proposed access road.

The purpose of this project is to provide a conveyance of low-pressure natural gas between the existing Bieber Sisters Pad A and proposed Mallory Group Pad A.

Stream Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Channel 1 Engle Run	Plunketts Creek Barbours	Bridge	EV	Class A Wild			36	286	41.458330° 76.826104°
Channel 1 Engle Run	Plunketts Creek Barbours	TAGWL	EV	Class A Wild	8	32			41.458330° 76.826104°
Channel 1 Engle Run	Plunketts Creek Barbours	Additional Workspace	EV	Class A Wild	35	330			41.458330° 76.826104°
Channel 1A Engle Run	Plunketts Creek Barbours	Bridge	EV	Class A Wild			35	210	41.458337° 76.826174°
Channel 1A Engle Run	Plunketts Creek Barbours	TAGWL	EV	Class A Wild	6	24			41.458337° 76.826174°
Channel 1A Engle Run	Plunketts Creek Barbours	Additional Workspace	EV	Class A Wild	36	230			41.458337° 76.826174°
Channel 23 UNT Engle Run	Cascade Barbours	Culvert	EV	Class A Wild			50	284	41.459898° 76.831129°
Channel 23 UNT Engle Run	Cascade Barbours	TAGWL	EV	Class A Wild	6	24			41.459898° 76.831129°
Channel 23 UNT Engle Run	Cascade Barbours	Additional Workspace	EV	Class A Wild	36	212			41.459898° 76.831129°
TOTAL IMPACTS					127	852	121	780	

Floodway Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Channel 1 Engle Run	Plunketts Creek Barbours	Bridge	Class A Wild			55	2,744	41.458330° 76.826104°
Channel 1 Engle Run	Plunketts Creek Barbours	TAGWL	Class A Wild	8	232			41.458330° 76.826104°
Channel 1 Engle Run	Plunketts Creek Barbours	Additional Workspace	Class A Wild	50	1,750			41.458330° 76.826104°
Channel 1A Engle Run	Plunketts Creek Barbours	Bridge	Class A Wild			50	2,439	41.458337° 76.826174°
Channel 1A Engle Run	Plunketts Creek Barbours	TAGWL	Class A Wild	8	228			41.458337° 76.826174°

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Channel 1A Engle Run	Plunketts Creek Barbour	Additional Workspace	Class A Wild	60	2,162			41.458337° 76.826174°
Channel 23 UNT Engle Run	Cascade Barbour	Culvert	Class A Wild			50	5,122	41.459898° 76.831129°
Channel 23 UNT Engle Run	Cascade Barbour	TAGWL	Class A Wild	8	412			41.459898° 76.831129°
Channel 23 UNT Engle Run	Cascade Barbour	Additional Workspace	Class A Wild	96	3,434			41.459898° 76.831129°
TOTAL IMPACTS				230	8,218	155	10,305	

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.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0028614 (Sewage)	Spring City Borough STP & Sewer System 6 S Church Street Spring City, PA 19475-1876	Chester County Spring City Borough	Schuylkill River (WWF, MF) (3-D)	Y

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>
PA0034746 (Sewage)	Li'l Wolf MHP 2 North Riverside Plaza Suite 800 Chicago, IL 60606-2682	Lehigh County North Whitehall Township	Unnamed Tributary to Coplay Creek (CWF, MF) (2-C)	Y

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>
PA0247154 (Industrial)	Poosum Valley Municipal Authority Water System 609 Clearview Road Aspers, PA 17304-9703	Adams County Menallen Township	Unnamed Tributary to Opossum Creek (TSF) Watershed(s) 7-F	Y
PA0083585 (Sewage)	Todd Township STP 2998 East Dutch Corner Road McConnellsburg, PA 17233	Fulton County Todd Township	Licking Creek (CWF) Watershed(s) 13-B	Y
PA0086134 (Sewage)	Miller Residence 906 Huffs Church Road Alburtis, PA 18011-2129	Berks County District Township	West Branch Perkiomen Creek (CWF) in Watershed(s) 3-E	Y
PA0247715 A-2 (Sewage)	The York Water Co. 130 East Market Street York, PA 17401-1219	Adams County Straban Township	Unnamed Tributary of Rock Creek (WWF) in Watershed(s) 13-D	Y

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>
PA0229083 (Industrial)	Phoenix Resources 782 Antrim Road Wellsboro, PA 16901-8501	Tioga County Duncan Township	Unnamed Tributary to Rock Run (HQ-CWF (existing use)), Wilson Creek (CWF, MF), and Unnamed Tributary to Babb Creek (CWF) (9-A)	Y
PA0209686 (Sewage)	Tom Harris SFTF 9855 Curwensville Tyrone Highway Curwensville, PA 16833-6501	Clearfield County Pike Township	Unnamed Tributary to Clearfield Creek (HQ-CWF, MF) (8-C)	Y
PA0032514 (Sewage)	Denton Hill State Park 111 Spill Way Road Wellsboro, PA 16901-7022	Potter County Ulysses Township	Ninemile Run (HQ-CWF, MF) (9-A)	Y

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>
PA0218111 (Sewage)	Tire Hill WWTP 1120 Tire Hill Road Johnstown, PA 15905-7707	Somerset County Conemaugh Township	Unnamed Tributary to Stonycreek River (CWF) (18-E)	Y

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES_NERO@pa.gov.

NPDES Permit No. PA0060518, Sewage, SIC Code 4952, **Hallstead & Great Bend Borough Susquehanna County JSA**, 249 Spring Street, Great Bend, PA 18821-0747.

This existing facility is located in Great Bend Borough, **Susquehanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

Southcentral Region: Regional Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Phone: 717.705.4800.

NPDES Permit No. PA0266817, Sewage, SIC Code 4952, **Fayette Township Juniata County**, 181 Bunkertown Road, McAlisterville, PA 17049.

This proposed facility is located in Fayette Township, **Juniata County**.

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

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

NPDES Permit No. PA0233064, Sewage, SIC Code 4952, **Carol Wilson**, 156 Wright Road, Mahaffey, PA 15757-5726.

This proposed facility is located in Greenwood Township, **Clearfield County**.

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

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

NPDES Permit No. PAS606103, Storm Water, SIC Code 5015, **Shartzers Auto Wreckers**, 3992 Natl Pike, Farmington, PA 15437.

This proposed facility is located in Wharton Township, **Fayette County**.

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

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

NPDES Permit No. PA0288217, Industrial, SIC Code 2085, **2988 Mercer Butler Pike, LLC**, 37 Fisher Avenue, Oil City, PA 16301.

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

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

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. WQG02232011, Sewage, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342-1325.

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

Description of Action/Activity: Low pressure sewer extension in Smithbridge Estates.

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

WQM Permit No. WQG02212002, Sewage, SIC Code 4952, **Silver Spring Township Authority**, 5 Willow Mill Park Road, Suite 3, Mechanicsburg, PA 17050-8238.

This facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of:

1 Sewer Extension

1 Pump Station

WQM Permit No. 0117401, Sewage, SIC Code 4952, **The York Water Co., 130 East Market Street, York, PA 17401-1219.**

This facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity:

This (permit/transfer) approves the (construction/operation/transfer) of sewage facilities consisting of:

1. Influent Pump Station (IPS) with two submersible Pentair Hydromatic Solids Handling Pumps, or equivalent, with each one capable of pumping 0.81 MGD at 65' TDH

2. IPS Wet Well of 6' ID and effective volume of 740 gallons, precast RCC construction. Trash basket on SS guide rails, aluminum rectangular access hatch, vent pipe with bug screen, and quick connect/disconnect for pumps

3. 6" diameter forcemain of ductile iron construction epoxy coated, approximately 254'
4. Valve vault of 6' x 9' rectangular to house necessary valves and flow meter, with aluminum access ladder and hatch
5. One aerated influent flow equalization of effective volume of 33,929 gallons with Roots URAI 33 or equivalent positive displacement blower of 7.5 HP to provide 65 scfm at 6.6 psig. Two identical submersible Goulds 3887 or equivalent pumps, 70 gpm at 18' TDH, each being able to handle the entire flow
6. Two anoxic tanks (one in each train) per Modified Ludzack Ettinger (MLE) process, each tank will have 15,499 gallons effective volume. The pumps will be submersible Goulds 3887 or equivalent to pump 70 gpm at 5' TDH
7. One aeration tank in each train with effective volume of 38,956 gallons each with fine bubble disc aerator. Two positive displacement Roots URAI 45 or equivalent blower of 15 HP. One DO probe in each tank, YSI IQ SensorNet FDO or equivalent
8. One clarifier in each tank of 19,627 gallons and one solid pump of 1 HP WS_BF 3887BF or equivalent
9. 2-cell tertiary mixed media filter system of total 40 sq. ft surface area, each cell capable to filter entire 0.1 MGD flow. Two submersible Goulds 3887 or equivalent, 360 gpm at 18.5' TDH will be used for backwash and two submersible Goulds 3887 or equivalent, 162 gpm at 19' TDH pumps to pump the backwashed water from aerated mudwell to EQ tank
10. Trojan UV3200K-PTP, or equivalent, open channel, two units in parallel, 4 lamps per unit. Post aeration by URAI 36 or equivalent, 5 HP blower which will also serve mudwell and clearwell. Ultrasonic flow meter will be installed
11. One aerated sludge holding tank of 66,243 gallons effective volume

Audible and visual alarms will be installed. Chemical feed system will be constructed to supply chemicals for phosphorus removal and pH control. A control building will be constructed. Emergency diesel generator will be provided in case of power failure to run at least 24 hours, the size of which is yet to determine

WQM Permit No. 3419401, Sewage, SIC Code 4952, **Oakland Mills STP**, 181 Bunkertown Road, McAlisterville, PA 17049.

This facility is located in Fayette Township, **Juniata County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

A sewage treatment plant and appurtenances described in the permit application that includes a 15,000 gallon septic tank, a 1/8" mesh Biotube filter, a 15,000 gallon EQ/pre-anoxic tank (septic tank), an Orenco AX-MAX 200-28 (fixed film media treatment), an Orenco AX-MAX 125-28 (fixed film media treatment) and a UV disinfection system.

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

WQM Permit No. 1979402 A-1, Sewage, SIC Code 4952, **Suez Water Pennsylvania, Inc.**, 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112-2739.

This existing facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Installation of dechlorination inside the existing outfall pit.

WQM Permit No. 1720405, Sewage, SIC Code 4952, **Carol Wilson**, 156 Wright Road, Mahaffey, PA 15757-5726.

This proposed facility is located in Greenwood Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of a new small flow treatment facility replacing an existing malfunctioning onlot system.

WQM Permit No. 4920401, Sewage, SIC Code 4952, **Snydertown Borough**, 61 S Main Street, Sunbury, PA 17801-5675.

This proposed facility is located in Snydertown Borough, **Northumberland County**.

Description of Proposed Action/Activity: Replacement of the existing wastewater treatment facility.

WQM Permit No. 4905403 A-2, Sewage, SIC Code 4952, **PA American Water Co.**, 105 Sodom Road, Milton, PA 17847-9232.

This existing facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Installation of a tablet de-chlorinator in order to reduce levels of total residual chlorine in the existing discharge.

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

WQM Permit No. 486S020 A-2, Sewage, SIC Code 4952, **Brownsville Municipal Authority**, P.O. Box 330, Brownsville, PA 15417-0330.

This existing facility is located in Brownsville Borough, **Fayette County**.

Description of Proposed Action/Activity: Construction of a 12" diameter sewer line on Water Street.

WQM Permit No. 5620403, Sewage, SIC Code 8800, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926.

This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a new SRSTP to serve Lot # 2 in the Pine Cove Subdivision. The SRSTP will discharge to two 2,000-gallon holding tanks and later hauled off-site for final treatment/disposal.

WQM Permit No. 5620404, Sewage, SIC Code 8800, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926.

This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a new SRSTP to serve Lot # 3 in the Pine Cove Subdivision. The SRSTP will discharge to two 2,000-gallon holding tanks and later hauled off-site for final treatment/disposal.

WQM Permit No. 5620405, Sewage, SIC Code 8800, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926.

This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a new SRSTP to serve Lot # 4 in the Pine Cove Subdivision. The SRSTP will discharge to two 2,000-gallon holding tanks and later hauled off-site for final treatment/disposal.

WQM Permit No. 0271412 A-5, Sewage, SIC Code 4952, **Leetsdale Borough Municipal Authority**, 10 Sixth Street, Leetsdale, PA 15056-1303.

This existing facility is located in Leetsdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: The Authority proposes to construct two new aerobic digestion tanks at the existing Leetsdale Borough Municipal Authority STP. This permit also allows for the construction of the proposed Edgeworth Lane force main extension. This new force main will eliminate any surcharging concerns in the area and will tie directly into the wet well at the existing STP.

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>
PAD450109 Authorization/ Issuance	Stroudsburg Pocono Airpark, LLC P.O. Box 407 Stroudsburg, PA 18360	Monroe County	Smithfield Township	UNT to Sambo Creek (CWF, MF), EV Wetlands
PAD540020 Authorization/ Issuance	PPL Electric Utilities Corporation 2 North 9th Street Allentown, PA 18101-1139	Schuylkill County	Hegins Township	Pine Creek (CWF, MF), EV Wetlands

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>
PAD210018 A-2 Issued	Landmark Homes at Cedar Run, LLC 1737 West Main Street Ephrata, PA 17522	Cumberland County	Borough of Mechanicsburg	UNT Cedar Run (CWF)
PAD210061 Issued	Samuel F. Cressler 9400 Molly Pitcher Highway Shippensburg, PA 17257	Cumberland County	Shippensburg Borough	Middle Spring Creek (CWF, MF)

Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020004-2	Redevelopment Authority of Allegheny County 112 Washington Place Pittsburgh, PA 15219	Allegheny County	Coraopolis Borough Moon Township Robinson Township	Montour Run (TSF)

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150175 Authorization	PA Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Chester County	Charlestown Township	Pickering Creek (HQ-TSF) and Valley Creek (EV, 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

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>
PAC350094 Authorization/ Issuance	Department of Conservation and Natural Resources 400 Market Street Harrisburg, PA 17101-1832	Lackawanna County	Benton Township	South Branch of Tunkhannock Creek (TSF, MF)	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC450018 Authorization/ Issuance	New GVPT LLC 308 E. Lancaster Ave. Suite 235 Wynnewood, PA 19096-2147	Monroe County	East Stroudsburg Borough	Brodhead Creek (CWF, MF)	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18347 570-629-3060
PAC480069 A-2 Authorization/ Issuance	Lehigh University 461 Webster St, 3A Bethlehem, PA 18015	Northampton County	Bethlehem City	Lehigh River (WWF, 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>
PAC210217 Issued	LGVS Partners 3434 Trindle Road Camp Hill, PA 17011	Cumberland County	Silver Spring Township	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210219 Issued	Vildana Muminovic 810 Crooked Stick Drive Mechanicsburg, PA 17050	Cumberland County	Silver Spring Township	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210186 Issued	Sporting Hill I, LP 2 Kacey Court Suite 201 Mechanicsburg, PA 17055	Cumberland County	Hampden Township	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC380189 Issued	Nelson Martin 152 Flanagan Road Richland, PA 17087	Lebanon County	Jackson Township	Tulpehocken Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC020233 A2	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Marshall Township	UNT to Brush Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020561	Maronda Homes, LLC 11 Timberglen Drive Imperial, PA 15126	Franklin Park Borough	Fish Run (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020622	Elmhurst Group One Bigelow Square Pittsburgh, PA 15219	City of Pittsburgh	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020592	Burns Scalo Development, LLC 965 Greentree Road Suite 400 Pittsburgh, PA 15220	South Fayette Township	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020271	The Abbey Community, LLC 11 Timberglen Drive Imperial, PA 15126	Jefferson Hills Borough	Lick Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010

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<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC020607	AR Building Company, Inc. 310 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046-4343	Kennedy Township	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020013 A1	Drury Southwest, Inc. 101 South Farrar Drive Cape Girardeau, MO 63701	Robinson Township	Campbell's Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020641	Corbett Investors, LLC 1585 Frederick Boulevard Akron, OH 44320	Ross Township	UNT to Girty's Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020577	EIG14T 3221 West Big Beaver Suite 111 Troy, MI 48084-2810	McCandless Township	Little Pine Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020458	Memory Lane Venture, LLC 112 Hetherton Drive Pittsburgh, PA 15237	Franklin Park Borough	Lowries Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020610	McNeilly Realty Associates 801 McNeilly Road Pittsburgh, PA 15226	Jefferson Hills Borough	Peters Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC560044	John Toth 365 Bassett Road Hooversville, PA 15936	Hooversville Borough	Stonycreek River (TSF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC430048	Sharpsville (Buckeye) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	South Pymatuning Township Mercer County	Shenango River Tributary	Mercer County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
PAC430050	Buhl Park Corporation 715 Hazen Road Hermitage, PA 16148	Hermitage City Mercer County	Thornton Run (Lake Julia) WWF	Mercer County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001

*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>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG034873	Sunoco Partners Market & Terminal LP 1314 Point Township Drive Northumberland, PA 17857-8854	Point Township Northumberland County	Unnamed Tributary of Susquehanna River (CWF, MF)—5-E	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-09 (SSN)**Northwest Region, Clean Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6942, RA-EPNPDES_NWRO@pa.gov.*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Site Name</i>	<i>Contact Office & Phone No.</i>
PAG098309	Buerks Septic Service 1039 Bruxelles Street Saint Marys, PA 15857-1806	Saint Marys City Elk County	Ron Buerk Farm Biosolids Site Fields E—H	Northwest Region Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-12**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>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG124870	Cotner Farms Inc. 970 Rushtown Road Danville, PA 17821-9292	Rush Township Northumberland County	Unnamed Tributary of Logan Run (CWF, MF) and Carbon Run (CWF, MF) Watershed(s) 5-E and 6-B	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.6639

*General Permit Type—PAG-13**Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG130086	Ridley Park Borough 105 E. Ward Street Ridley Park, PA 19078-3010	Ridley Park Borough Delaware County	Stoney Creek (WWF, MF) and Little Crum Creek (WWF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
PAG130032	East Norriton Township 2501 Stanbridge Street East Norriton, PA 19401-1617	East Norriton Township Montgomery County	Unnamed Tributary to Stony Creek (TSF, MF), Stony Creek (TSF, MF) and Sawmill Run (WWF, MF) 3-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under sec-

tion 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*

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

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

Important legal rights are at stake, however, so individuals should show this 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. 4520503, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Park Drive Mechanicsburg, PA 17055
Township and County	Middle Smithfield Township, Monroe County
Responsible Official	Mr. Bruce Aiton Vice-President—Engineering Pennsylvania American Water Company 852 Wesley Park Drive Mechanicsburg, PA 17055
Type of Facility	Public Water Supply
Consulting Engineer	Daniel J Hopkins, P.E. Entech Engineering, Inc. 201 Penn Street P.O. Box 32 Reading, PA 19603
Operation Permit issued	November 12, 2020

Permit No. 2409013, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Park Drive Mechanicsburg, PA 17055
Township and County	Kingston Township Luzerne County
Responsible Official	Mr. Bruce Aiton Vice-President—Engineering Pennsylvania American Water Company 852 Wesley Park Drive Mechanicsburg, PA 17055
Type of Facility	Public Water Supply

Consulting Engineer	Ralph R. Wawrzyniakowski Jr EIT Pennsylvania American Water 500 Noblestown Rd Carnegie, PA 15106
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Operation Permit issued	October 20, 2020
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Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0620512, Public Water Supply.

Applicant	Kirbyville Farm Market LLC
Municipality	Richmond Township
County	Berks County
Responsible Official	Ethan Burkholder, Owner 14030 Kutztown Road Fleetwood, PA 19522
Type of Facility	Installation of sodium hypochlorite disinfection, cation exchange softening, nitrate removal, storage and booster pumps.

Consulting Engineer	Scott M. Rights, P.E. Steckbeck Engineering Associates 279 N Zinns Mill Rd Lebanon, PA 17042
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Permit to Construct Issued	November 13, 2020
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Permit No. 5020504 MA, Minor Amendment, Public Water Supply.

Applicant	Millerstown Borough Waterworks
Municipality	Millerstown Borough
County	Perry County
Responsible Official	Robert Shipp, Council President P.O. Box 739 Millerstown, PA 17062
Type of Facility	Improvements to existing finished water tank.
Consulting Engineer	Justin J. Mendinsky, P.E. Herbert, Rowland & Grubic Inc. 369 East Park Drive Harrisburg, PA 17111
Permit to Construct Issued	October 16, 2020

Permit No. 3620527 MA, Minor Amendment, Public Water Supply.

Applicant	Columbia Water Company
Municipality	Columbia Borough
County	Lancaster County
Responsible Official	David T. Lewis General Manager 220 Locust Street Columbia, PA 17512
Type of Facility	Rehabilitation of the existing 2.047 MG welded, steel Prospect Road finished water storage tank.

Consulting Engineer Diana M. Young, P.E.
Buchart-Horn, Inc.
445 West Philadelphia Street
York, PA 17401

Permit to Construct October 29, 2020
Issued

Permit No. 0120509 MA, Minor Amendment, Public Water Supply.

Applicant **Littlestown Borough Authority**

Municipality Littlestown Borough

County **Adams County**

Responsible Official Chuck Kellar, Borough Manager
41 South Columbus Avenue
Littlestown, PA 17340-1612

Type of Facility Casing extension and pitless adapter for Well No. 6.

Consulting Engineer Staci A. Hartz, P.E.
Herbert Rowland and Grubic Inc.
369 East Park Drive
Harrisburg, PA 17111

Permit to Construct November 10, 2020
Issued

Permit No. 3620528 MA, Minor Amendment, Public Water Supply.

Applicant **Tamarack & Spread Eagle Mobile Home Park**

Municipality Providence Township

County **Lancaster County**

Responsible Official John Osborne
Director of Facilities
363 Lancaster Pike Road
New Providence Township, PA 17560

Type of Facility Installation of a new pump in Well No. 2, a new pitless adaptor and changing the designation from emergency to permanent.

Consulting Engineer Scott M. Rights, P.E.
Steckbeck Engineering Associates
279 N Zinns Mill Rd
Lebanon, PA 17042

Permit to Construct November 10, 2020
Issued

Permit No. 2120507 MA, Minor Amendment, Public Water Supply.

Applicant **Shippensburg Borough Authority**

Municipality Southampton Township

County **Cumberland County**

Responsible Official Kevin Plasterer
Authority Secretary
111 North Fayette Street
P.O. Box 129
Shippensburg, PA 17257-0129

Type of Facility Replacement of the fluoride chemical metering pump.

Consulting Engineer Dennis Hammaker, P.E.
RETTEW Associates, Inc.
3020 Columbia Avenue
Lancaster, PA 17603

Permit to Construct November 9, 2020
Issued

Operation Permit No. 2920501 MA issued to: **McConnellsburg Borough Municipal Authority (PWS ID No. 4290005)**, McConnellsburg Borough, **Fulton County** on November 10, 2020 for facilities approved under Construction Permit No. 2920501 MA.

Operation Permit No. 0620511 MA issued to: **Pennsylvania American Water Company (PWS ID No. 3060069)**, Spring Township, **Berks County** on November 16, 2020 for facilities approved under Construction Permit No. 0620511 MA.

Transferred Comprehensive Operation Permit No. 3060034 issued to: **Mobile Realty 8, LLC (PWS ID No. 3060034)**, Perry Township, **Berks County** on October 21, 2020. Action is for a Change in Ownership for Windsor Caste MHP, Berks County for the operation of facilities previously issued to LeMaKaDe Mobile Home Park.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4920503, Construction. Public Water Supply.

Applicant **Herndon Borough Jackson Township Joint Municipal Authority**
P.O. Box 381
Herndon, PA 17830

Borough and Township Herndon Borough & Jackson Township

County **Northumberland County**

Type of Facility Public Water Supply

Consulting Engineer Edward Brown, P.E.
Larson Design Group
1000 Commerce Park Drive
Suite 201
Williamsport, PA 17737

Permit Issued November 16, 2020

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 3020504, Major Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
1442 Jefferson Road
P.O. Box 187
Jefferson, PA 15344

Township or Borough Franklin, German and Richhill Townships

County **Greene County**

Responsible Official Timothy Faddis, Manager

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit Issued November 13, 2020

Permit No. 0220516, Major Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	Robinson Township
County	Washington County
Responsible Official	Bruce Ainton
Type of Facility	Water system improvements
Consulting Engineer	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	November 12, 2020

Permit No. 6320502MA, Minor Amendment.

Applicant	Authority of the Borough of Charleroi 3 McKean Avenue Charleroi, PA 15022
Township or Borough	Fallowfield Township
County	Washington County
Responsible Official	Charles Cardinale General Manager
Type of Facility	Water system
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit Issued	November 2, 2020

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, **PWSID No. 5260036**, Hempfield and Forward Townships, **Westmoreland and Allegheny Counties** on November 2, 2020 for the operation of facilities approved under permit #2619505 for the operation of the chemical feed systems at the West Point, Forward #1 and Forward #2 water storage tanks.

Operations Permit issued to: **Tri-County Joint Municipal Authority**, 26 Monongahela Avenue, P.O. Box 758, Fredericktown, PA 15333, **PWSID No. 5630045**, East Bethlehem Township, **Washington County** on November 10, 2020 for the operation of facilities approved under permit #6320503 for the operation of the new chlorine injection location and to discontinue feeding fluoride at the Tri-County Joint Municipal Authority's water treatment plant.

Operations Permit issued to: **Commission of Waterworks of Salisbury Borough**, P.O. Box 343, Salisbury, PA 15558, **PWSID No. 4560041**, Salisbury Borough, **Somerset County** on November 12, 2020 for the operation of facilities approved under permit #5619506 for the operation of the GridBee mixing system in the water storage tank in Salisbury Borough.

Operations Permit issued to: **Hastings Municipal Authority**, 207-1 Fifth Avenue, P.O. Box 559, Hastings, PA 16646, **PWSID No. 4110013**, Hastings and Elder Townships, **Cambria County** on November 6, 2020 for the operation of facilities approved under permit #1114506 for the operation of the Mine Spring No. 1 improvements including Mine Spring Well No. 1.

Operations Permit issued to: **Creswell Heights Joint Water Authority**, 3961 Jordan Street, South Heights, PA 15081, **PWSID No. 5040063**, Crescent Township, **Beaver County** on November 2, 2020 for the operation of facilities approved under permit #0420507 for the operation of the GridBee mixing system in the Clearview water storage tank.

Operations Permit issued to: **Pittsburgh Water and Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, **PWSID No. 5020038**, City of Pittsburgh, **Allegheny County** on November 4, 2020 for the operation of facilities approved under permit #0218518-A1 for the operation of the corrosion control optimization plan and relocation of the orthophosphate analyzer in the MFP 2 to the Zone 5 Police Station.

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:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Aukema Well Pad, 152 Aukema Road, Meshoppen, PA 18630, Meshoppen Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated by a release of brine from an open valve. The report is intended to document remediation of the site to meet a combination of Background and Statewide Health Standards.

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

17 Eshbach Lane, 17 Eshbach Lane, Bechtelsville, PA 19505, Washington Township, **Berks County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 18951, on behalf of Betty H. Moyer, 17 Eshbach Lane, Bechtelsville, PA 19505, Spring Valley Village, LLC, 1590 Canary Road, Quakertown, PA 18951 submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Bedford Industrial Property, 550 Sunnyside Road, Bedford, PA 15522, Bedford Township, **Bedford County**. Civil and Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of 550 Sunnyside Road LLC, 630 Freedom Business Center Drive, King of Prussia, PA 19406, submitted a Remedial Investigation, Cleanup Plan, and Final Report concerning remediation of site soil and groundwater contaminated with historic manufacturing and Underground Storage Tanks. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

New Middletown Train Station, 450 West Main Street, Middletown, PA 17057, Middletown Borough, **Dauphin County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of PennDOT, 400 North Street, Fifth Floor, Harrisburg, PA 17120, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

3838 and 3848 Penn Avenue, Sinking Spring, PA 19608, Borough of Sinking Spring, **Berks County**. Liberty Environmental, 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Susquehanna Bank, 307 International Circle, Hunt Valley, MD 21030, submitted a Remedial Investigation, Risk Assessment, Cleanup Plan, and Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The combined Report is intended to document remediation of the site to meet the Site-Specific and Residential Statewide Health Standards.

Ay Machine Company, 350 Railroad Avenue, Ephrata, PA 17522, Ephrata Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Ay Machine Company, 703 Owl Hill Road, Lititz, PA 17543, and Strong Tower, LLC, 194 Bomberger Road, Lititz, PA 17543, submitted a Final Report concerning remediation

of site soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Gregory Meinzer Property, 580 Church Street, Landisville, PA 17538, East Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Peachey Railworks, LLC, 1699 Dry Tavern Road, Denver, PA 17517, and Gregory Meinzer, 580 Church Street, Landisville, PA 17538, submitted a Final Report concerning remediation of site soil contaminated with waste agricultural activities during a railcar transfer. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

Ferraro BRA Pad, Iron Bridge Road, Wyalusing, PA 18853, Terry Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with Oil Based Mud. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Repsol Oil & Gas USA, LLC—Kline (01-125) Well Site, 1777 Oak Hill Road, Troy, PA 16947, Springfield Township, **Bradford County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil & Gas USA, LLC, 50 Pennwood Place, Warrendale, PA 15086, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Residential Background and Statewide Health Standards.

COP Tract 231 Pad A, 121 Million Dollar Lane, Snow Shoe, PA 17771, Snow Shoe Township, **Centre County**. Tuscarora Geologic & Environmental Services, LLC, 1153 Center Road, Mifflintown, PA 17059, on behalf of ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Whitetail Pad, 1237 Stump Lick Run Road, Frenchville, PA 16836, Goshen Township, **Clearfield County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311, has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with brine. The cleanup plan is intended to document remediation of the site to meet the Statewide Health Standard and the Site-Specific Standard.

Stallion MVA Produced Water Release, Truman Run Road, 1.9 miles northeast of intersection with Route 414, Cammal, PA 17723, McHenry Township **Lycoming County**. Penn Environmental & Remediation, Inc., 14180 Route 6, Mansfield, PA 16933, on behalf of Stallion Oilfield Services, Ltd., 950 Corbindale Road, Suite 300, Houston, TX 77024 has submitted a Final report concerning remediation of soil contaminated with produced water. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

PPL Truck SR 890 & Brush Valley Road Diesel Release, Intersection of SR 890 & Brush Valley Road, Sunbury, PA 17801, Rockefeller Township, **Northumberland County**. PPL Electric Utilities, 1639 Church Road, Allentown, PA 18104, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standards.

Beimel Transportation MVA Produced Water Release, Proximal to 7991 Route 6, Wellsboro, PA 16901, Delmar Township, **Tioga County**. Penn Environmental & Remediation, Inc., 14180 Route 6, Mansfield, PA 16933, on behalf of Beimel Transportation, Inc., 420 Uhl Road, Kersey, PA 15846 has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

LEDVANCE LLC, 1 Jackson Street, Wellsboro, PA 16901, Wellsboro Borough, **Tioga County**. Sanborn, Head & Associates, Inc., 1015 Virginia Drive, Suite 100, Fort Washington, PA 19034, on behalf of LEDVANCE, LLC, 200 Ballardville Street, Wilmington, MA 01887, has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with Chromium. The report is intended to document remediation of the site to meet the Site-Specific Standard.

EQT Phoenix S Gas Well, 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of EQT Production Company, 625 Liberty Avenue, Suite 170, Pittsburgh, PA 15222, has submitted a Final Report concerning remediation of site groundwater and soil contaminated with flowback water. The report is intended to document remediation of the site to meet the Nonresidential 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.

Lansdale Finishers, 117 South Broad Street, Lansdale, PA 19446, Lansdale Borough, **Montgomery County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Jon Herzog, Commerce Pursuit Capital, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued an administrative deficiency letter on November 2, 2020.

PECO Former Chester-Crosby MGP, East 2nd and Chester Street, Chester, PA 19013, City of Chester, **Delaware County**. W. Scott McCartney, PE, Wood Environmental & Infrastructure, 4600 J. Barry Court, Suite 210, Canonsburg, PA 15317 on behalf of Peter Farrand, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19013 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with PAHs. The Report was reviewed by the Department which issued an administrative deficiency letter on November 3, 2020.

Bristol Croydon Property, 3111 State Road, Croydon, PA 19021, Bristol Township, **Bucks County**. Christopher J. Zieger, Dynamic Earth, LLC, 790 Newtown Yardley Road, Newtown, PA 18940 on behalf of Ian Katz, Croydon State, LLC, 226 East 56th Street, New York, NY 10022 submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 4, 2020.

Sylvania Tree & Pool Building Site, 565 North West End Boulevard (Route 309), Quakertown, PA 18951, Richland Township, **Bucks County**. Scott R. Campbell,

Earthres Group, Inc., 6912 Old Easton Road, Pipersville, PA 18947 on behalf of Stacey Hogan, Lehigh Valley Health Network, 2100 Mack Boulevard, Allentown, PA 18105 submitted a Final Report concerning the remediation of site soil contaminated with lead and No. 2 fuel oil. The Final Report demonstrated attainment of the State-wide health standard and was approved by the Department on November 4, 2020.

Langford Square, 315 Langford Road, Broomall, PA 19008, Marple Township, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Vincent Antonini, G. Antonini Real Estate Inc., 3605 Winding Way, Newtown Square, PA 19073 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued a technical deficiency letter on November 4, 2020.

Thorndale West, 3233 Lincoln Highway, Thorndale, PA 19371, Caln Township, **Chester County**. Geoff Kristof, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Arne Andersen, Thorndale West, LP, 1055 West Lakes Drive, Suite 170, Berwyn, PA 19312 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with chlorinated solvents. The Report was approved by the Department on November 5, 2020.

Phoenixville Hospital, 140 Nutt Road, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. Shaun Quinlan, Brownfield Science & Technology, Inc., 3157 Limestone Road, Cochranville, PA 19330 on behalf of Fred Diehl, Bluestone Environmental, Inc., 196 Beach Lake Highway, Honesdale, PA 18431 submitted a Final Report concerning the remediation of site soil contaminated with ethylene glycol. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 9, 2020.

Northeast Region: Environmental Cleanup & Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Nanticoke Manufactured Gas Plant (Number 2 Former Gas Holder), Arch and Walnut Streets, Nanticoke, PA 18634, City of Nanticoke, **Luzerne County**. Stantec Consulting Services Inc., 400 David Drive, Suite 400, Plymouth Meeting, PA 19462, on behalf of UGI Utilities Inc., 1 UGI Drive, Denver, PA 17517, submitted a final report concerning remediation of site soil and groundwater contaminated with SVOCs, arsenic, and lead. The report documented remediation of the site to meet a combination of Site-Specific and Statewide Health Standards and was approved by DEP on October 29, 2020.

228 Creekside Manor Drive, Lot 28, 228 Creekside Manor Drive, Lot 28, Lehigh Township, **Carbon County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Creekside Manor Inc., P.O. Box 723, Cherryville, PA 18035, submitted a Final Report concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on November 16, 2020.

Gulf Oil Fullerton Terminal, 2451 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh**

County. AECOM, 510 Carnegie Center, Princeton, NJ 08540, on behalf of Lucknow Highspire Terminals LLC, 900 South Eisenhower Boulevard, Middletown, PA 17057, submitted a revised, combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil and groundwater contaminated by historic releases of petroleum products at the site. The report was approved by DEP on November 16, 2020.

Former Baird Medical Supply Store, 5374 & 5392 Hamilton Boulevard, Allentown, PA 18106, Lower Macungie Township, **Lehigh County**. Resource Renewal, 10 Lippincott Lane, Unit 1, Mount Holly, NJ 08060, on behalf of Summerwood Corporation, 14 Balligomongo Road, Conshohocken, PA 19428, submitted a final report concerning remediation of soil contaminated with PCBs, VOCs, SVOCs, and metals from former operations at the site, including a gasoline service station and a former junkyard. The report documented remediation of the site to meet a combination of Site-Specific and Statewide Health Standards and was approved by DEP on November 18, 2020.

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

Harry and Darvene Daminiski Estate, 1081 West Philadelphia Avenue, Boyertown, PA 19512, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464, submitted a Remedial Investigation, Cleanup Plan, and Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 18, 2020.

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

Valley Energy Inc., Diesel Fuel Release Cleanup, 529 S Keystone Avenue, Sayre, PA 18840, Sayre Borough, **Bradford County**. Moody and Associates, Inc., 101 N Main Street, Suite 3, Athens, PA 18810, on behalf of Valley Energy, Inc., 523 S Keystone Avenue, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department on November 13, 2020.

Hybrid Drilling Clean Up Project, Interstate 80 at MM 219.9E, Danville, PA 17821, Valley Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Hybrid Drilling, 37225 Barnesville-Bethesda Road, Barnesville, OH 43713, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and hydraulic fluid. The Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department on October 30, 2020.

Lucas Trucking US 15N MM 162 Accident Diesel Release, US Route 15 North at Exit 162, Liberty, PA 16930, Liberty Township, **Tioga County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Lucas Trucking Corp, 9657 N Route 220 Highway, Jersey Shore, PA 17740, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attain-

ment of the Nonresidential Statewide Health Standard and was approved by the Department on November 9, 2020.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP3-06-03185: The H & K Group, Inc. (2052 Lucon Road, P.O. Box 196, Skippack, PA 19474) on November 17, 2020, for portable nonmetallic mineral crushing equipment, under GP3, at the I-78 construction site located in Greenwich Township, **Berks County**.

GP9-06-03185: The H&K Group, Inc. (2052 Lucon Road, P.O. Box 2052, Skippack, PA 19747) on November 17, 2020, for two diesel-fired engines, under GP9, to power portable nonmetallic mineral crushing equipment at the I-78 construction site located in Greenwich Township, **Berks County**.

GP10-06-03145A: IWCO Direct (7951 Powers Blvd, Chanhasen, MN 55317) on November 17, 2020, for six non-heatset offset printing presses, under GP10, at the printing facility located in Tilden Township, **Berks County**. The general permit authorization was renewed.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

GP5-26-00544D (AG5-26-00003B): Apollo Resources, LLC (P.O. Box 235, 150 North Ave., Yatesboro, PA 16263) on November 17, 2020, to allow to process administrative amendments which includes change of ownership to Apollo Resources, LLC for Connellsville Compressor Station, located in Dunbar Township, **Fayette County**.

GP5-63-01000A (AG5-63-00010A): EQM Poseidon Midstream, LLC (2200 Energy Drive, Canonsburg, PA 15317-1001) on November 18, 2020, reauthorized continued operation of the previously installed sources which include: four (4) natural gas-fired G3608 Caterpillar 4SLB compressor engines each 2,370 bhp; one (1) diesel fired Cummins rated at 1,220 bhp; one (1) 225 MMscfd TEG Dehydrator with 2.0 MMBtu/hr reboiler; one (1) EnviroTherm International enclosed flare rated at 7.0 MMBtu/hr; two (2) produced water tanks; one (1) truck loadout; pigging operations, miscellaneous blowdown emissions; and fugitives at their Kryptonite Compressor Station, located in Amwell Township, **Washington County**.

GP5-65-00974C (AG5-65-00005A): Apollo Resources, LLC (P.O. Box 235, 150 North Ave., Yatesboro, PA 16263) on November 18, 2020, to allow to process administrative amendments which includes change of ownership to Apollo Resources, LLC for Unity Compressor Station, located in Unity Township, **Westmoreland County**.

GP5-65-01020C (AG5-65-00006A): Apollo Resources, LLC (P.O. Box 235, 150 North Avenue, Yatesboro, PA 16263) on November 17, 2020, to allow to process administrative amendments which includes change of ownership to Apollo Resources, LLC for Hribal Compressor Station, located in East Huntingdon Township, **Westmoreland County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

35-00079A: Westlake Plastics Company (91 Hickory Street, Mayfield, PA 18433) issued on November 17, 2020 for the installation and operation of a natural gas fired boiler with low NO_x burner and FGR system to control NO_x emissions at the facility located in Mayfield Borough, **Lackawanna County**.

39-00110A: Silgan Containers Manufacturing Corp. (8201 Industrial Drive, Breinigsville, PA 18031) issued on November 16, 2020 for Food Can Assembly Lines with filters at their facility located in Upper Macungie Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

07-03058B: NPC, Inc. (P13710 Dunnings Highway, Claysburg, PA 16625-7802), on November 17, 2020, for three digital presses at the Claysburg printing facility in Greenfield Township, **Blair County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

10-368G: MarkWest Bluestone Gas Processing Plant (Hartman Road, Evans City, PA 16033), on November 3, 2020 issued a Plan Approval for the installation of a 64.8 MMBtu/hr natural gas-fired process heater in Jackson Township, **Butler County**. This is a Title V facility.

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 November 20, 2020 a Plan Approval for installation of air pollution sources at the following facility:

IP20-000351: The Children's Hospital of Philadelphia (3401 Civic Center Boulevard, Philadelphia, PA

19104) on November 22, 2020, was issued a Plan Approval for the installation of air emission sources at a hospital, in the City of Philadelphia, **Philadelphia County**. The air emission sources that are part of the Plan Approval are six (6) boilers firing natural gas or ultra-low sulfur (ULS) No. 2 heating oil each rated 29.629 MMBtu/hr (natural gas)/720 HP (natural gas and oil), and three (3) emergency generators firing ultra-low sulfur (ULS) No. 2 heating oil each rated 2789 HP. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

09-0053C: Greif Packaging LLC (695 Louis Drive, Warminster, PA 18974-2825) on November 19, 2020 an extension for the installation and operation of a new steel drum exterior paint spray booth and enclosure, a steel drum exterior paint spray booth removal of spray booth in Warminster Township, **Bucks County**.

15-0081C: Johnson Matthey Inc/West Whiteland (1401 King Road, West Chester, PA 19380-1467) on November 19, 2020 an extension for temporary operation of wet and dry scrubbers in West Whiteland Township, **Chester 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.

67-05004U: Pixelle Specialty Solutions, LLC (228 South Main Street, Spring Grove, PA 17362-1000) on November 17, 2020, for the installation of two 115 MMBtu/hr natural gas burners in the #3 Recovery Boiler (ID 037) which will be limited by an annual fuel limitation of 225.49 mmscf of natural gas, upgrade of the PLC software and various hardware of the Hardwood Digester (ID 112) to increase pulp production by 2.1%, and upgrades to the water removal system of paper machines #1 and #8 (contained in ID 115) to increase paper production by approximately 8% at the pulp and paper mill in Spring Grove Borough, **York County**. The plan approval was extended.

50-05001A: Texas Eastern Transmission/Shermans Dale (425 Texas Eastern Road, Shermans Dale, PA 17090) on November 19, 2020, for the construction of two (2) new natural gas-fired simple cycle turbines at the Shermans Dale Compressor Station located in Carroll Township, **Perry County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control

of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 440 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp emergency, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallons separator vessels used to collect pipeline liquids. The plan approval was extended.

06-05033A: Texas Eastern Transmission/Bernville (306 Station Road, Robeson, PA 19551) on November 19, 2020, for the construction of two (2) new natural gas-fired simple cycle turbines at the Bernville Compressor Station located in North Heidelberg Township, **Berks County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 445 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallons separator vessels used to collect pipeline liquids. The plan approval was extended.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

04-00748: ARDEX, L.P. (400 Ardex Park Dr., Aliquippa, PA 15001) on November 16, 2020, to ARDEX, L.P. for the expansion of, and continued operation of the Aliquippa Plant to produce high performance dry and liquid flooring and tiling products located in Center Township, **Beaver County**. The new expiration date is May 28, 2021.

26-00575A: Green Ridge Cemeteries, Inc. (2901 Memorial Blvd., Connellsville, PA 15425) plan approval extension effective on November 28, 2020, with expiration date of May 28, 2021, to extend the period of temporary operation of the crematory at the referenced facility in Bullsken Township, **Fayette County**.

26-00588B: Laurel Mountain Midstream, LLC (Park Place Corporate Center 2, 2000 Commerce Dr, Pittsburgh, PA 15275) extension effective November 28, 2020, to extend the period of installation and continued temporary operation of three (3) compressor engines, two (2) gas-fired turbines, one (1) emergency generator, two (2) dehydrators, two (2) reboilers, one (1) glycol processing unit, and five (5) produced water storage tanks authorized under plan approval PA-26-00588B, until May 28, 2021, at Shamrock Compressor Station located in German Township, **Fayette County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

43-270L: CCL Container Corporation (1 Llodio Drive, Hermitage, PA 16148) on October 27, 2020, effective October 27, 2020, has issued a plan approval extension for more time to install and initially operate a replacement regenerative thermal oxidizer in Hermitage City, **Mercer County**. This is a State Only facility. This will expire on April 30, 2021.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

38-05017: Greater Lebanon Refuse Authority (1610 Russell Road, Lebanon, PA 17046-1437) on November 16, 2020, for the municipal waste landfill located in North Lebanon Township, **Lebanon County**. The Title V permit was renewed.

06-05112: WBLF Acquisition Co., LLC (455 Poplar Neck Road, Birdsboro, PA 19508-8300) on November 12, 2020, for the Western Berks Landfill located in Cumru Township, **Berks County**. The Title V permit was renewed.

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.

15-00148: Sikorsky Commercial Inc. (110 Stewart Huston Dr., Coatesville, PA 19320) on November 17, 2020 for a Non-Title V Facility, State-Only, Synthetic Minor Permit for spray booths and emergency generators located at a helicopter support/manufacturing facility in Sadsbury Township, **Chester County**.

09-00032: Eureka Stone Quarry, Inc. (800 Lower State Rd., Chalfont, PA 18914) on November 19, 2020 for renewal of the State Only Operating Permit for a facility comprising a stone crushing operation and two asphalt plants located in Warrington Township, **Bucks County**.

46-00142: Custom Processing Services, LLC (461 State Street, East Greenville, PA 18041) on November 19, 2020 for the renewal of a State Only, Natural Minor Operating Permit Renewal for the customized grinding, milling, blending, and drying services of various mineral products performed at this facility in East Greenville Borough, **Montgomery County**.

09-00163: H&K Group Blooming Glen Quarry (901 Minsi Trail, Blooming Glen, PA 18911) on November 19, 2020 for the renewal of a State Only, Natural Minor Operating Permit for an aggregate processing plant in Hilltown Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

31-03001: Yellow Springs Hardwoods (4683 Brick Yard Road, Alexandria, PA 16611-2829) on November 12, 2020, for the hardwood processing facility located in Porter Township, **Huntingdon County**. The State-Only Permit was renewed.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00084: Anchor Hocking, LLC (400 9th St., Monaca, PA 15061-1862) on November 17, 2020, the Department of Environmental Protection renewed a Synthetic Minor State-Only Operating Permit for the operation of a pressed and blown glass and glassware manufacturing facility located in Monaca Borough, **Beaver County**. The air quality permit includes operating requirements, monitoring requirements, and recordkeeping requirements for the site, including synthetic minor operating permit restrictions such as the use of a certified CEMS system, among other monitoring and recordkeeping requirements.

63-00893: Master Woodcraft, Inc. (100 Stationvue Lane, Washington, PA 15301-6184) on November 17, 2020, the Department of Environmental Protection renewed a State-Only Operating Permit for the operation of a custom commercial woodworking facility located in Chartiers Township, **Washington County**. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

16-00149: Clarion Laminates, LLC (301 Fiberboard Road, Shippenville, PA 16254). On November 18, 2020, the Department issued the renewal of the State Only Operating Permit for the facility located in Paint Township, **Clarion County**. The primary sources at the facility include 2 natural gas fired thermal oil heaters; 8 natural gas fired space heaters; 2 laminating & saw lines; 3 profiling lines; a degreaser unit; a bonding line; and dust transfer processes. The facility is a Natural Minor. Potential emissions for all pollutants are below the major source thresholds. Potential emissions are as follows: 41.083 tpy PM; 41.082 tpy PM₁₀; 4.0 tpy NO_x; 2.16 tpy CO; 0.022 tpy SO_x; 0.19 tpy VOC; and 4,126 tpy CO₂. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

33-00159: Brookville Mining Equipment Corporation (175 Evans Street, Brookville, PA 15825). On November 20, 2020, the Department issued the renewal of the State Only Operating Permit for the facility located in Pine Creek Township, **Jefferson County**. The facility manufactures and restores mining and railroad cars and other equipment. The primary sources at the facility include spray booths for surface coating, a heater for the booths and a parts cleaner. The permit also includes the sources at the Pickering Street Facility (spray booth and oven). The facility is a Natural Minor and has no potential emissions of any pollutant over the major source thresholds. The facility uses some coatings that contain the Target HAP so the requirements for 40 CFR 63 Subpart HHHHHH are included in the renewal permit. The renewal permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) issued a renewal for a Minor State Only Operating Permit for the following facility:

OP20-000033: Citizens Bank Park (One Citizens Bank Park Way, Philadelphia, PA 19148) for the operation of a baseball stadium in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 191 HP (or 8.0 MMBtu/hr) boilers firing diesel and natural gas, an 1,818 BHP (or 1,250 kW) natural gas-fired generator, and a 2,889 BHP (or 2,000 kW) natural gas-fired generator. Both generators are equipped with oxidation catalyts.

The operating permit has been 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.

The City of Philadelphia, Air Management Services (AMS) issued a renewal for a Minor State Only Operating Permit for the following facility:

OP18-000013: Frontida BioPharm, Inc. (1100 Orthodox Street, Philadelphia, PA 19124) for the operation of a pharmaceutical product manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include manufacturing processes (4 coating pans, packaging and granulation operations, 8 alcohol-based electric tray drying ovens, and 5 modules), eleven (11) combustion units burning natural gas each less than 2.86 MMBtu/hr, a 277 Horsepower diesel emergency generator, a 145 Horsepower diesel emergency generator, a wastewater pretreatment system, two natural gas-fired catalytic oxidizers rated at 3.0 MMBtu/hr and 4.0 MMBtu/hr, and eight (8) dust collectors. Exhaust from packaging, coating, and granulation operations are controlled by dust collectors and the exhaust from the drying ovens, wastewater pretreatment system, and modules are controlled by one of the two catalytic oxidizers.

The operating permit has been 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.

The City of Philadelphia, Air Management Services (AMS) issued an initial Minor State Only Operating Permit for the following facility:

OP20-000026: Lutheran Theological Seminary at Philadelphia (7301 Germantown Avenue, Philadelphia, PA 19119) for the operation of an educational facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one (1) 1.2 MMBtu/hr boiler, one (1) 2.0 MMBtu/hr boiler, one (1) 1.01 MMBtu/hr boiler, two (2) 1.75 MMBtu/hr gas boilers—all firing natural gas, and one (1) 154 kW emergency generator firing diesel.

The operating permit has been 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.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.

09-00004: Oliver Healthcare Packaging Inc. (905 Pennsylvania Boulevard, Feasterville, PA 19053). On November 17, 2020, the State Only Operating Permit was amended to incorporate the conditions of Plan Approval 09-0004A for the a flexographic, two-color printing press with rotary screen unit to apply an adhesive strip, and a drying oven and infrared (IR) dryers for drying/curing ink at the facility located in Lower Southampton Township, **Bucks County**. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00693: USA Valley Landfill, Inc. (6015 Pleasant Valley Rd., Irwin, PA 15642-8808) on November 5, 2020, an Administrative Amendment to change the name of permit contact in the Title V Operating Permit renewal to USA Valley Landfill, Inc. for their facility located in Penn Township, **Westmoreland County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 32190201 and NPDES No. PA 0279714. Robindale Energy Services, Inc., 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 84.1 acres. Receiving streams: Coal Run, unnamed tributary to Aultmans Run, to Conemaugh River to Kiskiminetas River to Allegheny River, to Ohio River, classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2019. Permit Issued: November 19, 2020.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 03030102. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215. Revision application for land use change from forestland to unmanaged natural habitat to an existing bituminous surface mine, located in Sugarcreek and East Franklin Townships, **Armstrong County**, affecting 23.5 acres. Receiving streams: Unnamed tributary to Long Run and to Long Run, to Patterson Creek, to Buffalo Creek, to the Allegheny River, classified for the following use(s): TSF. Application received: July 24, 2020. Permit revision issued: November 13, 2020.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 54931601R5. Sherman Coal Co., Inc. (P.O. Box 93, Elysburg, PA 17834), renewal of an existing anthracite coal preparation plant operation in Frailey Township, **Schuylkill County** affecting 16.6 acres. Receiving stream: Middle Creek. Application received: May 1, 2019. Renewal issued: November 19, 2020.

Permit No. PAM111041R. Sherman Coal Co., Inc. (P.O. Box 93, Elysburg, PA 17834), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54931601 in Frailey Township, **Schuylkill County**, receiving stream: Middle Creek. Application received: May 1, 2019. Renewal issued: November 19, 2020.

Permit No. 54931601C4. Sherman Coal Co., Inc. (P.O. Box 93, Elysburg, PA 17834), correction of an existing anthracite coal preparation plant operation to add 2.4 acres to the permit for a total 16.6 acres in Frailey Township, **Schuylkill County**. Receiving stream: Middle Creek. Application received: October 17, 2019. Renewal issued: November 19, 2020.

Permit No. PAM111041C. Sherman Coal Co., Inc. (P.O. Box 93, Elysburg, PA 17834), correction add acres for coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54931601 in Frailey Township, **Schuylkill County**, receiving stream: Middle Creek. Application received: October 30, 2019. Renewal issued: November 19, 2020.

Permit No. 54840201R7. Wheelabrator Culm Services, Inc. (100 Arboretum Drive, Suite 310, Portsmouth, NH 03801), renewal of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Mahanoy Township and Shenandoah Borough, **Schuyl-**

kill County affecting 208.8 acres. Receiving stream: Mahanoy Creek. Application received: August 28, 2020. Renewal issued: November 19, 2020.

Permit No. PAM111019R2. Wheelabrator Culm Services, Inc. (100 Arboretum Drive, Suite 310, Portsmouth, NH 03801), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54840201 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: August 28, 2020. Renewal issued: November 19, 2020.

Noncoal Permits Issued

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 65980401 and NPDES No. PA0278343. New Enterprise Stone & Lime Company, Inc., 3912 Brumbaugh Road, P.O. Box 77, New Enterprise, PA 16665. Issuance of a new NPDES permit associated with an existing large noncoal surface mine, located in Donegal Township, **Westmoreland County**, affecting 70.8 acres. Receiving streams: Unnamed Tributary to Indian Creek classified for the following use(s): HQ-CWF. Application received: January 2, 2019. Permit issued: November 12, 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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 23204002. Dykon Explosive Demolition Corp. (15400 South Yale Avenue, Bixby, OK 74008), blasting for the demolition of Kimberly Clark PA Steel Column Boiler in Chester Township, **Delaware County** with an expiration date of November 21, 2020. Permit issued: November 16, 2020.

Permit No. 36204143. Keystone Blasting Service (15 Hopeland Road, Lititz, PA 17543), construction blasting for 322 Property in East Earl Township, **Lancaster County** with an expiration date of October 30, 2021. Permit issued: November 17, 2020.

Permit No. 52204102. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Asaro Basement in Delaware Township, **Pike County** with an expiration date of November 12, 2021. Permit issued: November 18, 2020.

Permit No. 67204120. M3 Explo, LLC (P.O. Box 528, Brownsville, PA 15417), construction blasting for Codorus Core5 in East Manchester and Manchester Townships, **York County** with an expiration date of November 9, 2021. Permit issued: November 18, 2020.

Permit No. 58204001. Northeast Blasting (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for Shorten Homes Springville in Springville Township, **Susquehanna County** with an expiration date of November 12, 2021. Permit issued: November 19, 2020.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at 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.

Northwest Region: District Oil and Gas Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6860.

E03-08-001, Snyder Brothers Inc., 90 Glade Drive, P.O. Box 1022, Kittanning, PA 16201. Limestone Run Well Pad, in East Franklin Township, **Armstrong County**, ACOE Pittsburgh District, East Brady PA Quadrangle N: 40°, 52', 42.23"; W: 79°, 30', 54.11".

The project involves the construction of an 1,831-foot permanent access road to a natural gas well pad. The

proposed project impacts in Armstrong County include a total of 61.5 linear feet of permanent impacts, and 21.6 linear feet of temporary impacts to an a UNT of Limestone Run WWF. The project also has 0.03 acre of permanent impact and 0.009 acre of temporary impacts to Palustrine Emergent (PEM) wetland(s). One floodway will be impacted having 0.1 acre of permanent impacts and 0.09 acre of temporary impacts.

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 Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

E65-07-013: Chevron Appalachia, LLC, 700 Cherrington Parkway, Coraopolis, PA 15108, Sewickley Township, **Westmoreland County**, ACOE Pittsburgh District.

Chevron Appalachia is proposing a 286-foot by 418 foot well pad extension and tank pad reclamation for oil and gas activity at the existing Basista—Dermotta Well Pad B (40.269439, -79.780153). The well pad expansion area and tank pad reclamation will result in the impact to wetlands found on the site. Three (3) Palustrine Emergent (PEM) wetlands, totaling 0.28 acre, will be filled due to the reclamation of the existing tank pad. Wetland mitigation is required for this project. Onsite mitigation will consist of approximately 0.3 acre of PEM wetland.

The project is located within the McKeesport USGS 7 1/2 Minute Quadrangle Map.

Wetland Name	Location	Area of Permanent Impact (acres)
W-01	40° 16' 6.7", -79° 46' 51.6"	0.03
W-02	40° 16' 7.1", -79° 46' 47.5"	0.15
W-03	40° 16' 7.3", -79° 46' 45"	0.09

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG295820047-00

Applicant Name SWN Production Company, LLC

Contact Person Afton R. Sterling

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna County

Township(s) Franklin

Receiving Stream(s) and Classification(s) UNT to Snake Creek (CWF/MF), a UNT to Dubois Creek (CWF/MF, NRT)

Secondary: Susquehanna River (WWF/MF), Susquehanna (WWF/MF)

ESCGP-3 # ESG295820022-00

Applicant Name SWN Production Company, LLC

Contact Person Afton R. Sterling

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna County

Township(s) Bridgewater and Silver Lake

Receiving Stream(s) and Classification(s) Fall Brook (CWF, MF)

Secondary: Silver Creek (EV, MF)

ESCGP-3 # ESG295820039-00

Applicant Name SWN Production Company, LLC

Contact Person Afton R. Sterling

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna County

Township(s) New Milford

Receiving Stream(s) and Classification(s) Beaver Creek (HQ, CWF/MF), a UNT to Martins Creek (CWF/MF)

Secondary: Salt Lick Creek (HW-CWF/MF), Tunkhannock Creek (TSF)

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 support-

ing 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.

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 DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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 Manager.

Marinos Svc Sta, 46-09122, 1521 Easton Rd., Roslyn, PA 19001, Abington Township, **Montgomery County**. Storb Environmental Incorporated, 410 Easton Road, Willow Grove, PA 19090, on behalf of Sussman Associates II, P.O. Box 374, Jenkintown, PA 19046 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline, diesel fuel, and waste oil. The report is intended to document remediation of the site to meet nonresidential site-specific standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Pocono Gas Station, Storage Tank ID # 45-16990, 834 Seven Bridge Road, East Stroudsburg, PA 18301, Smithfield Township, **Monroe County**. MEA 1365 Ackermanville Road, Bangor, PA 18013, on behalf of W. S. Peeney Inc., 1745 West Main Street, Stroudsburg, PA 18360, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan is intended to document the remedial actions for meeting the Statewide Health Standards.

Leffler's Service Station, Storage Tank ID # 13-50651, 1103 North Street, Jim Thorpe, PA 18229, Jim Thorpe Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Subhash Patel, 1103 North Street, Jim Thorpe, PA 18229, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

Masters Concrete, Storage Tank ID # 58-52414, 9495 Main Street, Kingsley, PA 18826, Harford and Brooklyn Townships, **Susquehanna County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Hinds Oil Company, Inc., P.O. Box 100, Montrose, PA 18801, has submitted a combined Site Characterization Report, Remedial Action Plan, and Remedial Action Completion Report concerning remediation of soil and surface water contaminated with diesel. The report is intended to document remediation of the site to meet Statewide Health Standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

Rutters Farm Store 58, Storage Tank Facility ID # 67-61416, 7680 Lincoln Highway, Abbottstown, PA 17301, Paradise Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The Department of Environmental Protection (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 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 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.

DEP may approve or disapprove plans and reports submitted. This notice provides 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 DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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 Manager.

Septa Germantown Garage, 51-07482, 6725 Germantown Ave., Philadelphia, PA 19119, **City of Philadelphia**. Michael Baker International, 1818 Market Street, Suite 1310, Philadelphia, PA 19103, on behalf of SEPTA, 1234 Market Street, 6th Floor, Philadelphia, PA 19107-3780 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide Health and Site-Specific Standards and was approved on October 27, 2020.

7 Eleven 40129, 51-46470, 7434 Ogontz Ave., Philadelphia, PA 19138, **City of Philadelphia**. 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 Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the nonresidential Statewide Health Standards and Site-Specific Standards and was approved by the Department on October 28, 2020.

7 Eleven 40287, 15-09239, 1495 Valley Forge Rd., Wayne, PA 19087, Tredyffrin Township, **Chester County**. Mulry Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report did not demonstrate attainment of residential Statewide Health Standards and was disapproved by the Department on October 29, 2020.

Crystal, 46-41045, 601 W. 8th St., Lansdale, PA 19446, Lansdale Borough, **Montgomery County**. Advanced GeoServices, 1878 Marleton Pike East, Suite 10, Cherry Hill, NJ 08003, on behalf of Crystal Inc.—PMC, 601 West 8th Street, Lansdale, PA 19446-1809 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide Health and Site-Specific Standards and was approved by the DEP on October 29, 2020.

Cumberland Farms 3709, 09-14446, 500 Hood Blvd, Fairless Hills, PA 19030, Bristol Township, **Bucks County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Cumberland Farms, 500 Hood Blvd, Fairless Hills, PA 19030-3024 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report demonstrated attainment of residential Statewide Health Standards and was approved by the DEP on November 17, 2020.

Philly Transp, 51-45299, 2905 Abbottsford Ave., Philadelphia, PA 19129, **City of Philadelphia**. RT Environmental Services Inc., 215 West Church Road, King of Prussia 19046, on behalf of Philly Transportation, LLC, 600 Brooke Road, Glenside, PA 19038 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with diesel fuel. The report demonstrated attainment of residential Statewide Health Standards and was approved by the DEP on November 12, 2020.

Atlantic 0363 4748, 46-30725, 2 S. York Rd., Hatboro Borough, Hatboro, PA 19040, **Montgomery County**.

Aquaterra Technologies, Inc., 901 S. Bolmar St., Suite A, West Chester, PA 19382, 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 Remedial Action Completion Report demonstrated attainment of residential Statewide Health and Site-Specific Standards and was approved by the Department on November 11, 2020.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Route 66 Auto Plaza, Storage Tank ID # 35-24204, 611 Route 6, Mayfield, PA 18433, Mayfield Borough, **Lackawanna County**. McKee Environmental, 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Esprit Investment Corp., 15 Fletcher Drive, Montville, NJ 07045, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The combined Site Characterization Report and Remedial Action Plan was acceptable to meet Statewide Health Standards and was approved by DEP on November 16, 2020.

Port Carbon Service Station, Storage Tank ID # 54-05960, 1 Second Street, Port Carbon, PA 17965, Port Carbon Borough, **Schuylkill County**, Liberty Environmental, 505 Penn Street, Suite 400, Reading, PA 19601, submitted a Remedial Action Completion Report on behalf of John Modesto, 1 Second Street, Port Carbon, PA 17965, concerning remediation of soils and groundwater contaminated with gasoline and #2 fuel oil. The Report demonstrated attainment of Statewide Health Standards and was approved by DEP on November 16, 2020.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Cynthia Stine, P.G.

Harrisburg Terminal, Storage Tank Facility ID # 22-11092, 5140 Paxton Street, Harrisburg, PA 17111-2520, Swatara Township, **Dauphin County**. Piedmont Geologic, 6003-145 Chapel Hill Road, Raleigh, NC 27607, on behalf of Lucknow-Highspire Terminal, LLC, P.O. Box 2621, Harrisburg, PA 17105, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet a combination of Statewide Health and Site-Specific Standards and was approved by DEP on November 16, 2020.

Contact: Robin L. Yerger, LPG.

Engines America of York, Storage Tank Facility ID # 67-64913, 1001 East Philadelphia Street, York, PA 17403, York City, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Outhouse Storage, LLC/RTO, 1251 Wallace Street, York, PA 17403 submitted a Remedial Action Plan and a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on November 19, 2020.

[Pa.B. Doc. No. 20-1699. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agricultural Advisory Board Virtual Meeting

The Agricultural Advisory Board (Board) meeting scheduled for Thursday, December 17, 2020, will begin at 9 a.m. and will be held as a virtual meeting (previously scheduled to be held in Susquehanna Conference Room B of the Department's Southcentral Office, Harrisburg, PA). 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 Jay Braund at jbraund@pa.gov or (717) 772-5636.

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 "Water Advisory Committees," then "Agricultural Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 17, 2020, meeting can be directed to Jay Braund at jbraund@pa.gov or (717) 772-5636.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5636 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. 20-1700. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; Addition to Building 546 at the Philadelphia Navy Yard Annex

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the Department of the Navy is proposing to construct an addition to Building 546 at the Philadelphia Navy Yard Annex in the City of Philadelphia.

The Department of the Navy proposes to construct a two-story addition on the north side of Building 546 at the Philadelphia Navy Yard Annex. The proposed two-story building addition will support locker rooms, restrooms, break space and offices for personnel in Building 546 that is currently nonexistent or inadequate in size. Plans for the addition show the structure to be

approximately 40 feet wide by 44.17 feet deep. The proposed addition will add a total footprint of 1,767 square feet per floor. The new two-story addition will be added to the northeastern portion of an existing building addition, which makes up about a quarter of the current building footprint. The proposed two-story addition is required to maintain building use in support of both the Naval Foundry and Propeller Center's mission and the Columbia Class mission. The proposed project is located within the Philadelphia Naval Shipyard Historic District and will not alter any original building features of Building 546. The Navy has completed consultation with the Pennsylvania Historical and Museum Commission's State Historic Preservation Office (SHPO). The SHPO concurred with a finding of no adverse effect to any historic buildings or the Philadelphia Naval Shipyard Historic District conditional on the Navy providing exterior renderings of the addition.

The project is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities), the Department of the Navy has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, December 21, 2020, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators 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 Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1701. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

National Pollutant Discharge Elimination System General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12) Annual Report and Annual Notice of Intent Installment Fee Submission Deadline Extension

The Department of Environmental Protection (Department) is providing notice to the public of an extension to

submit annual reports and annual Notice of Intent (NOI) installment fee payments related to the amended National Pollutant Discharge Elimination System General Permit for Concentrated Animal Feeding Operations (CAFO), PAG-12.

The Department published notice of the availability of a final amended PAG-12 at 50 Pa.B. 6060 (October 31, 2020). To access the amended General Permit and related documents, visit www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations 3800-PM-BCW0032," then "Amended PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations—Effective 01 Jan 2021 3800-PM-BCW0032").

Part A, Section III.D.1. of the amended General Permit indicates that the CAFO Annual Report is to be submitted by January 1 of each year. Given that permittees and their consultants must focus on the preparation and submission of timely and complete NOIs by January 1, 2021, to ensure continuation of coverage under the amended General Permit, and recognizing the ongoing impacts that the novel coronavirus (COVID-19) has had on permittees and their consultants, the Department is administratively extending the upcoming CAFO Annual Report submission deadline from January 1, 2021, to February 15, 2021. Prior to preparation and submission of NOIs, applicants should review and understand the NOI instructions for amended PAG-12 General Permit. The NOI instructions include important information regarding NOI completion and submission.

Similarly, Part A, Section III.D.3. of the amended General Permit requires submission of the annual NOI installment fee payment by January 1 of each year. For permittees who had coverage under the General Permit prior to January 1, 2021, the Department is also administratively extending the upcoming deadline for submission of the annual NOI installment fee payment from January 1, 2021, to February 15, 2021.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1702. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed Conditional State Water Quality Certification under Section 401 of the Clean Water Act for the United States Army Corps of Engineers Pennsylvania State Programmatic General Permit 6 (PASPGP-6)

On September 4, 2020, the United States Army Corps of Engineers (Corps) Baltimore, Philadelphia and Pittsburgh Districts, under the authority of section 404(e) of the Clean Water Act (act) (33 U.S.C.A. § 1344(e)), issued jointly by Special Public Notice 20-57 the proposed Pennsylvania State Programmatic General Permit-6 (PASPGP-6) for a 30-day public comment period which closed on October 4, 2020. On November 6, 2020, the Corps' Baltimore District requested State Water Quality Certification (SWQC) on behalf of the Corps' Baltimore, Philadelphia and Pittsburgh Districts under section 401 of the act (33 U.S.C.A § 1341) from the Department of

Environmental Protection (Department) for discharges of dredged and fill material into waters of this Commonwealth that would be authorized under PASPGP-6. Section 401(a) of the act (33 U.S.C.A. § 1341(a)), requires an applicant seeking coverage under PASPGP-6 to provide the Corps with certification from the Commonwealth that the applicant's discharge will comply with the applicable provisions of the act (33 U.S.C.A. §§ 1251—1388). The Department has established water quality standards for this Commonwealth and programs to achieve those standards consistent with the applicable provisions of the act, which have been approved by the United States Environmental Protection Agency. The Department is providing notice of its proposed conditional SWQC for use by applicants seeking coverage under PASPGP-6 for projects that do not require any Federal permit or license other than a section 404 permit under the act.

PASPGP-6 continues the Corps' recognition of the Commonwealth's permitting process for activities affecting waterways, water bodies and wetlands authorized under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27). PASPGP-6 allows applicants to obtain both Corps section 404 permits and State water obstruction and encroachment permits through a joint application submitted to the Department and delegated conservation districts for most projects requiring these permits in this Commonwealth. Through the incorporation of Federal and State permitting standards in one process, PASPGP-6 continues a streamlined process for permit applicants without compromising comprehensive environmental protection. This proposed SWQC applies to activities that qualify for PASPGP-6 within the jurisdiction of section 404 of the act and structures or work in or affecting navigable waters of the United States under section 10 of the River and Harbor Act of 1899 (33 U.S.C.A. § 403).

Consistent with section 401 of the act, the Department proposes to certify that activities authorized by the Corps under the PASPGP-6 will comply with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further proposes to certify that the construction, operation and maintenance of the projects in accordance with PASPGP-6 will comply with the Commonwealth's water quality standards provided the project applicant complies with the following SWQC conditions and constructs, operates and maintains the project in compliance with the terms and conditions of State permits obtained to meet these SWQC conditions:

1. Prior to beginning any activity authorized by the Corps under PASPGP-6, the applicant shall obtain from the Department all necessary environmental permits or approvals, and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under State law, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908), 58 Pa.C.S. §§ 3201—3274 (related to development), the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the

regulations promulgated thereunder, including 25 Pa. Code Chapters 77, 78, 78a, 86—91, 92a, 93, 95, 96, 102, 105, 127 and 260a—299.

2. All environmental assessments required under these regulations, in addition to other regulatory requirements, must be complied with as a condition of the SWQC for PASPGP-6 consistent with section 401 of the act.

3. Fill material may not contain any wastes as defined in the Solid Waste Management Act.

4. Applicants and projects eligible for the PASPGP-6 must obtain all State permits or approvals, or both, necessary to ensure that the project meets the State's applicable water quality standards, including a project specific SWQC.

The Department has determined these proposed SWQC conditions are necessary to achieve the Commonwealth's water quality standards, which have been approved by the United States Environmental Protection Agency as compliant with the act. The proposed SWQC conditions achieve these standards through compliance with existing environmental programs administered by the Department under State laws and regulations.

This proposed SWQC would be subject to the Department's determination that the final PASPGP-6 activities are consistent with the Coastal Zone Management Act (16 U.S.C.A. §§ 1451—1466).

This proposed SWQC would only be available for projects that do not require any Federal authorization other than authorization from the Corps under section 404 of the act or section 10 of the Rivers and Harbors Act of 1899. Applicants seeking authorization for activities not eligible for coverage under PASPGP-6, or for activities that require another Federal authorization (such as an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project requiring authorization by another Federal agency), must submit a request to the Department for a project-specific SWQC.

The Department will consider all comments received on or before Monday, January 4, 2021, before taking the final action on this proposed conditional SWQC. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators 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 Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PASPGP-6" as the subject line in written communication.

The proposed PASPGP-6 and Special Public Notice 20-57 can be viewed on the Corps' webpage at www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/Public-Notice-View/Article/2336799/spn-20-57-pennsylvania-state-programmatic-general-permit-6-paspgp-6.

A hard copy of the proposed PASPGP-6 may be obtained by contacting Brenda Harrison, United States Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, Suite 101, State College, PA 16801, Brenda.L.Harrison@usace.army.mil or (814) 235-1763.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1703. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Amendments to Charges for Medical Records

In the notice published at 49 Pa.B. 7252 (December 7, 2019), the Department of Health (Department) published the guidelines and fees that a health care provider or facility may charge in response to a request for production of medical charts or records. This notice updates the notice published on December 7, 2019.

Under 42 Pa.C.S. §§ 6152, 6152.1, and 6155 (relating to subpoena of records; limit on charges; and rights of patients), a health care provider or facility is allowed to charge a fee in response to a request for medical charts or records. The Secretary of Health (Secretary), under 42 Pa.C.S. §§ 6152 and 6152.1, is directed to adjust annually the amounts which may be charged by the health care provider or facility.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2019, through October 31, 2020, the Consumer Price Index was 1.2%.

Accordingly, effective January 1, 2021, the following fees may be charged by a health care facility or health care provider in response to a request for production of medical charts or records:

<i>Amount charged per page for:</i>	<i>Not to Exceed</i>
Pages 1—20	\$1.60
Pages 21—60	\$1.19
Pages 61—end	\$0.41
Microfilm copies	\$2.36
* Search and retrieval of records (cannot be charged if requestor is requesting their own personal health record)	\$23.73
Flat fees (providers may not charge the above search and retrieval fee in addition to a flat fee)	
Production of records to support any claim under Social Security or any Federal or State financial needs-based program;	\$30.08
Supplying records requested by a district attorney	\$23.73

The previously listed fees shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

The previously listed charges, however, are subject to the following exceptions:

(1) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in:

a. The Workers' Compensation Act (77 P.S. §§ 1—1041.4 and 2501—2506) and the regulations promulgated thereunder.

b. 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder.

c. A contract between an insurer and any other party.

(2) The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

(3) The charges for the production of medical records by a health care provider in response to a request made by either an individual who is the subject of the health information or the individual's personal representative is governed by the Health Insurance Portability and Accountability Act (Pub.L. No. 104-191) (HIPAA) and Federal regulations enacted under HIPAA, including (42 U.S.C.A. § 17935(e)) and 45 CFR 164.524 (relating to access of individuals to protected health information), as follows:

a. *Electronic health record.* Under section 13405, if a health care provider uses or maintains health records in an electronic format with respect to protected health information of an individual, the individual shall have a right to obtain from the health care provider a copy of the information in an electronic format. The individual also has a choice to direct the health care provider to transmit electronically a copy of the health record directly to an entity or person designated by the individual, provided that any choice is clear, conspicuous and specific. Any fee that the health care provider may impose for providing the information (or a summary or explanation of the information) in an electronic format shall not be greater than the labor costs in responding to the request. The Department of Health and Human Services has stated that the labor costs may not include costs associated with searching for and retrieving the requested information.

b. Health record used or maintained in other types of format (for example, paper). Under 45 CFR 164.524(c)(4), if the individual requests a copy of the protected health information or agrees to a summary or explanation of the information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:

(i) Labor for copying the protected health information requested by the individual, whether in paper or electronic form.

(ii) Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media.

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed.

(iv) Preparing an explanation or summary of the protected health information, if the individual agrees in advance to a summary or explanation and the fees to be imposed, in accordance to 45 CFR 164.524(c)(2)(iii). Similarly, the labor costs under 45 CFR 164.524(c)(4) shall not include the cost attributable to search and retrieval of the records.

Inquiries for further clarification on this exception should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, DC 20201, (866) 627-7748, <http://www.hhs.gov/ocr/office/about/contactus/index.html>.

Questions or inquiries concerning this notice should be sent to Department of Health, Office of Legal Counsel,

Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Department of Health, Office of Legal Counsel, at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1704. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Establishment of Minimum Standard Requirements for Sexual Assault Evidence Collection

Section 3 of the Sexual Assault Testing and Evidence Collection Act (act) (35 P.S. § 10172.3) establishes a Statewide sexual assault evidence collection program to be administered by the Department of Health (Department). Under this program the Department is to consult with the Pennsylvania Coalition Against Rape (PCAR) and the State Police to develop and review on a scheduled basis the minimum standard requirements for all rape kits used in hospitals and health care facilities in this Commonwealth, to test and approve commercially available rape kits for use in this Commonwealth and to establish a program to train appropriate personnel in the correct use and application of rape kits.

Under the act, the Department, in consultation with PCAR and State Police, established a Sexual Assault

Evidence Collection Committee (Committee). The Committee includes representatives of the Department, PCAR, the State Police, forensic nurse examiners, members of sexual assault response teams and law enforcement.

In accordance with the act, the Committee met on September 3, 2020, and formulated minimum standard requirements for sexual assault evidence collection in this Commonwealth. The minimum standards requirements established by the Committee should be observed by all health care facilities and child advocacy centers in this Commonwealth, and these facilities and centers should meet or exceed those minimum standard requirements.

Under 28 Pa. Code § 117.52(a)(1) (relating to minimum requirements for sexual assault emergency services), all hospitals providing sexual assault emergency services under 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services) “shall utilize a rape kit that complies with the minimum standard requirements developed by the Department or that is otherwise approved by the Department under the [act].” Accordingly, this publication shall serve as notice to those hospitals of the minimum standard requirements developed by the Committee and approved by the Department under the act.

As of October 1, 2020, the following minimum standard requirements for sexual assault evidence collection are in effect:

Per these minimum standard requirements, kit manufacturers will be responsible for adding a unique identifier and bar code; however, any existing inventory will need to be uniquely identified by the health care facility once a tracking system is implemented. The unique identifiers provided by a manufacturer should use an alpha-numeric combination to prevent duplication by other manufacturers.

Minimum Standard Requirements Sexual Assault Evidence Collection Kit Contents

- Step 1 Consent for Collection and Release of Evidence and Information Form
- Step 2 Clothing and Underpants Collection
- Step 3 Oral Assault Collection Samples
- Step 4 Miscellaneous Collection (Debris, Dried Secretions, Tampon/Sanitary Napkin)
- Step 5 Fingernail Swabbings
- Step 6 External Genitalia Collection Sample
- Step 7 Vaginal Assault Collection Samples
- Step 8 Perianal/Rectal Assault Collection Samples
- Step 9 Buccal Swab Collection (for DNA Analysis)
- Step 10 Transfer of Evidence Form

Cap-Shure swabs are an acceptable substitute for the current swabs and boxes and may be used in place of the buccal swab collector

The Committee also formulated minimum standard guidelines for suspect kits.

Minimum Guidelines for Suspect Evidence Collection Kits Recommended Sources and Time Frames for Evidence Collection*

<i>Area of Contact on Suspect</i>	<i>Collection Time Frame</i>	<i>Collection Method</i>
Known DNA Sample	Always collect	Buccal swab, FTA card or oral swab recommended; Whole blood not recommended but acceptable

<i>Area of Contact on Suspect</i>	<i>Collection Time Frame</i>	<i>Collection Method</i>
Penile/Scrotal	Up to 96 hours (4 days)	Two swabs
Vaginal	Up to 120 hours (5 days)	Four swabs
Anal/Rectal/Perianal	Up to 72 hours (3 days)	Two swabs
Oral	Up to 24 hours (1 day)	Two swabs
Bite Marks/Saliva on Skin	Up to 96 hours (4 days)	Two swabs
Fingernail/Finger Swabbing	Up to 48 hours (2 days)	Two swabs
Debris/Dried Secretions	Collect only if applicable by scenario	Two swabs
Underpants	Collect if worn at time of incident or immediately following	N/A
Outer Clothing	Collect only if applicable by scenario	N/A

*Recommended time frames based on National Institute of Justice *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* (Washington, DC: U.S. Department of Justice, August 2017): <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

Note: Hair combs and pulled hair samples are not recommended.

Persons who require more information regarding these requirements may contact Beth Zakutney, Sexual Violence Prevention and Education Program Administrator, (717) 547-3234, bzakutney@pa.gov.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Garrison E. Gladfelter, Jr., Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1705. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002(b) of the Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeainmain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

• **SR 0150, Section SIG—City of Lock Haven, Clinton County.**

Project Description: The project involves intersection improvements at 11 intersections along SR 0150. The improvements will be mast pole/arm replacements, curb radii adjustments, and sidewalk and crosswalk improvements.

Environmental Documents: CE 1a Reevaluation approved on August 24, 2020, and a Determination of

Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 17, 2020.

Proposed Use of Section 4(f)/2002 Resource: Approximately 5.85-square feet of sidewalk easements will be required from properties considered to be contributing elements to the Water Street Historic District.

• **SR 4013, Section A03—Allegany Township, Potter County.**

Project Description: The project is the replacement of the bridge that carries SR 4013 over the Allegheny River.

Environmental Documents: CE 2 Evaluation approved on August 10, 2020, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on July 6, 2020.

Proposed Use of Section 4(f)/2002 Resources: The existing structure was determined to be eligible for listing on the National Register of Historic Places (NRHP).

• **SR 7211, Section EMG—La Plume Township, Lackawanna County.**

Project Description: The project is the replacement of the bridge that carries College Road (T-437) over Ackerly Creek.

Environmental Documents: CE 2 Evaluation approved on August 12, 2020, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitates the Use of Historic Bridges approved May 13, 2020.

Proposed Use of Section 4(f)/2002 Resources: The existing structure was determined to be eligible for listing on the NRHP.

• **SR 0632, Section D50—Dalton Borough, Lackawanna County.**

Project Description: The project is the rehabilitation of the bridge that carries SR 0632 over Ackerly Creek and includes the replacement of the concrete channel lining along Ackerly Creek and scour repairs.

Environmental Documents: ED BRPA Evaluation approved on August 5, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved August 3, 2020.

Proposed Use of Section 4(f)/2002 Resources: The SR 0632 bridge over Ackerly Creek was determined to contribute to the 10.35-acre Dalton Historic District, which was determined to be eligible for listing on the NRHP.

• **SR 0092, Section 350—Exeter Township, Luzerne County.**

Project Description: The project is the replacement of the culvert that carries SR 0092 over Lewis Creek.

Environmental Documents: CE BRPA Evaluation approved on August 3, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 17, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.010-acre of right-of-way (ROW) will be required from the 1.44-acre Fish and Boat Commission Appletree Road access area, which qualifies as a Section 4(f)/2002 resource.

• **SR 0309, Section 14M—North Whitehall and South Whitehall Township, Lehigh County.**

Project Description: The project is the betterment of 2.9 miles of SR 0309 corridor, and involves roadway widening to provide turning lanes at the signalized intersections of SR 0309 at Walbert Avenue, Chapman Road, Huckleberry Road, Lime Kiln Road, SR 4003 (Orefield Road/Kernsville Road). Work will include traffic signal upgrades, culvert extension, Americana with Disabilities Act ramps, guide rail upgrades, drainage improvements, and signing and pavement upgrades.

Environmental Documents: CE 1b Evaluation approved on July 14, 2020, two forms of a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 10, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 10, 2020.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.785-acre of ROW will be required from the 19.94-acre Adam Good Farmstead, which was determined to be eligible for listing on the NRHP. Approximately 0.035-acre of ROW will be required from the 7.0-acre Albright House, which was determined to be eligible for listing on the NRHP. Approximately 0.001-acre (50-square feet) of ROW will be required from the 5.9-acre Jordan Creek Greenway, which qualifies as a Section 4(f)/2002 resource.

• **SR 0095, Section CPR—Philadelphia City, Philadelphia County.**

Project Description: The project is the reconstruction and widening of SR 0095 between Levick Street and Rhawn Avenue. Three ramps will be reconstructed and two new ramps will be built. Some local streets will also be improved. Additional work includes the replacement of

retaining walls, mainline pavement reconstruction, drainage upgrades, lighting, signing/sign lighting, pavement markings and limited landscaping.

Environmental Documents: CE 2 Reevaluation approved on August 12, 2020, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use approved on October 3, 2008, and Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use approved on October 7, 2008.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.77-acre of ROW will be required from the 178-acre Disston Historic District, which was determined eligible for listing on the NRHP. Approximately 0.0008-acre of ROW will be required from the Keystone Lantern Company, which is recommended eligible for listing on the NRHP.

• **SR 7726, Section BRG—Paradise and Leacock Townships, Lancaster County.**

Project Description: The project is the replacement of the existing bridge that carries Pequea Valley Road (T-794) over Pequea Creek.

Environmental Documents: CE 2 Evaluation approved on August 21, 2020, a Nationwide Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on August 18, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 18, 2020.

Proposed Use of Section 4(f)/2002 Resources: The existing structure Pequea # 2 Bridge was determined to be a contributing element to Pequea North Rural Historic District, which was determined eligible for listing on the NRHP. Approximately 0.187-acre of ROW will be required from the 51-acre Lapp Farm, which is a contributing resource to the Pequea North Rural Historic District.

• **SR 0068, Section 253—Butler and Summit Townships, Butler County.**

Project Description: The project is the replacement of the Karns Crossing Bridge carrying SR 0068 over the Buffalo and Pittsburgh Railroad and Bessemer and Lake Erie (B&LE) Railroad.

Environmental Documents: CE 2 Evaluation approved on July 14, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 17, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.33-acre of ROW will be required from the B&LE Railroad, which was determined to be eligible for the NRHP.

• **SR 0954, Section 457—West Mahoning Township, Indiana County.**

Project Description: The project is the replacement of Windows Bridge that carries SR 0954 over a tributary to Little Mahoning Creek.

Environmental Documents: CE 1b Evaluation approved on July 7, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 6, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.251-acre of ROW will be required from the 2,018.42-acre Mahoning Creek Lake property, which qualifies as Section 4(f)/2002 resource.

• **SR 3014, Section 370—Nescopeck Township, Luzerne County.**

Project Description: The project involves the replacement of the Dump Hill Road Bridge that carries SR 3014 over Nescopeck Creek.

Environmental Documents: CE 1b Evaluation approved on September 22, 2020, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on September 2, 2020.

Proposed Use of Section 4(f)/2002 Resource: The Dump Hill Road Bridge was determined to be eligible for listing on the NRHP.

• **SR 0611, Section 11M—Pocono Township, Monroe County.**

Project Description: The project is to provide for the safe and efficient flow of traffic between Interstate 80 at Exits 298 and 299 and the surrounding roadway network in Pocono Township. The project will include the widening of SR 0611 and SR 0715, realignment of a portion of SR 0715, realignment of the SR 0715 and SR 0611 intersection, realignment of the SR 0715 and Sullivan Trail, traffic signal improvements, modifications to existing ramps to I-80, and replacement of the existing bridge over Pocono Creek.

Environmental Documents: CE 2 Evaluation approved on September 17, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 27, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 1.27-acre of ROW will be required from the 10.43-acre Pocono Township TLC Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 0001, Section 03S—Middletown and Ben Salem Townships, Bucks County.**

Project Description: The project consists of the widening of SR 0001, to accommodate a third lane in the north and southbound directions, structure replacements, ramp alignments, and drainage and guiderail improvements.

Environmental Documents: CE 2 Reevaluation approved on September 30, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved September 25, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.049-acre of ROW will be required from the Philadelphia and Reading Railroad: New Nork Division, which was determined to be eligible for the NRHP.

• **SR 0095, Section AFC—Philadelphia City, Philadelphia County.**

Project Description: The project is the reconstruction of a 1.6-mile section of the I-95 (SR 0095) corridor. I-95 will be widened and local roads that will serve as a detour will be improved. The project will also include utility work, lighting improvements, drainage improvements and installation of Intelligent Transportation System equipment.

Environmental Documents: CE 2 Reevaluation approved on September 23, 2020, and a Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit) approved on March 23, 2016.

Proposed Use of Section 4(f)/2002 Resources: The project requires a temporary construction easement from the 4.4-acre Monkiewicz Playground, which qualifies as a Section 4(f)/2002 resource.

BRIAN G. THOMPSON, PE,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 20-1706. Filed for public inspection December 4, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Virtual Meeting

The Public-Private Partnerships Board will hold a meeting on December 16, 2020, from 10 a.m. to 12 p.m. by means of Skype. For more information, contact Maddie Vergos, (717) 787-3154, mvergos@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 20-1707. Filed for public inspection December 4, 2020, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The December 15, 2020, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, February 16, 2021. 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's February meeting will be held as a virtual meeting and will begin at 9 a.m. Individuals who wish to join the meeting may do so remotely.

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 "Environmental Quality Board," then "2021 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the February 16, 2021, meeting can be directed to Laura Griffin at laurgriffi@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 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. 20-1708. Filed for public inspection December 4, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Jacquan Waites-Ray; Doc. No. SC20-11-010

Notice is hereby given of the Order to Show Cause issued on October 15, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: sections 611-A(1), (2), (8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(1), (2), (8) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1709. Filed for public inspection December 4, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Providence at Home

Providence at Home has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Providence at Home in Pittsburgh, PA. The initial filing was received on November 20, 2020, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to

inform the Department of the exact basis of the statement. Written statements should be e-mailed to Karen M. Feather, kfeather@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1710. Filed for public inspection December 4, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 23, 2020, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. This filing was made in accordance with section 705 of the Workers' Compensation Act (77 P.S. § 1035.5).

The Bureau requests an overall 1.3% decrease in loss costs, effective April 1, 2021, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2021, to be 2.48%, as compared to the currently approved provision of 2.03%.

The entire April 1, 2021, loss cost filing is available for review on the Bureau's web site at www.cmcrbpa.com under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1326 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1711. Filed for public inspection December 4, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Underground Storage Tank Indemnification Fund Board Virtual Quarterly Meeting

Under section 703(f) of the Storage Tank and Spill Prevention Act (35 P.S. § 6021.703(f)), the Underground Storage Tank Indemnification Fund Board (Board) is required to meet at least quarterly.

As a result of the continuing restrictions due to the novel coronavirus (COVID-19) pandemic, the 4th quarter meeting of the Board will be held virtually by means of Microsoft Teams beginning at 10 a.m. on Thursday, December 10, 2020. The meeting can be accessed by utilizing the web link or call in number posted on the web page for the Board at ustif.pa.gov.

Acknowledgement of this notice is not required.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1712. Filed for public inspection December 4, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
November 19, 2020

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2020-3015227*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

While we recognize that the COVID-19 pandemic has provided some challenges related to the continuance of normal business operations, it is imperative that the Commission have an approved financial security in place with each EGS to ensure compliance with 52 Pa. Code § 54.40(d). On March 25, 2020, Commission staff issued an EGS Financial Security Filing Guidance Memo (Guidance Memo) that stated the following:

- Where practical, EGSs should file an original bond, letter of credit, continuation certificate, amendment, or other financial instrument. These original financial instruments should display "wet" signatures or digital signatures, preferably in blue ink, and display a "raised seal" or original notary stamp.

- EGSs should email a copy of the original financial instrument directly to Secretary Chiavetta at rchiavetta@pa.gov. Secretary Chiavetta has waived the restriction on emailed filings that contain confidential and proprietary material. As such, financial security instruments will be permitted to be filed by email for the duration of the Commission's work from home order.

- If an EGS is unable to acquire a "raised seal" or original notary stamp on the financial security during the pendency of the COVID-19 emergency, the Secretary's Bureau will not reject the financial security.

- If an EGS has been granted a reduction in its financial security, and it is time to renew the annual reduction, please file an original annual compliance filing with the Secretary's Bureau and a copy via email at rchiavetta@pa.gov.

Please note that the requirement that EGSs maintain a valid financial security on file with the Commission, remains in effect.

Be advised that emailed financial security instruments—after review and acceptance of the Secretary's Bureau and the Bureau of Technical Utility Services—will be provisionally approved by the Commission until Commission staff resume working in the Keystone Building. EGSs must still mail the original bond with original signatures and notary stamp as per the Commission's normal practice.

On July 27, 2020, the Commission issued a Secretarial Letter which modified certain filing and service requirements.¹ Specifically, this Secretarial Letter amended the Emergency Order issued on March 20, 2020, at Docket No. M-2020-3019262 regarding the filing of certain confidential documents. At the time the Emergency Order was issued, the Commission did not have access to its physical location. However, since that time the Commission has secured limited access to its place of business. Under these circumstances and consistent with the authority provided to the Secretary by the Emergency Order, the Secretarial Letter requires that confidential filings made pursuant to 52 Pa. Code § 54.40(a) (EGS financial securities), must be filed with the Secretary by overnight delivery and are not to be filed electronically with the Secretary.

As of November 9, 2020, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired or which is non-compliant with Commission regulations.

¹ Docket No. M-2020-3019262.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2017-2585765	ENERGY PARADIGM, LLC	10/25/2020	Yes
A-2009-2145787*	SPARK ENERGY, LLC	10/24/2020	Yes
A-2012-2284040	VERDIGRIS ENERGY, LLC	11/2/2020	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The Secretary serve a copy of this Tentative Order upon the Pennsylvania Department of Revenue—Bureau of Compliance, Business License Clearance Division.

4. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

5. Upon entry of the Final Order described in Ordering Paragraph No. 4 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

6. Upon entry of the Final Order described in Ordering Paragraph No. 4, each electric distribution company in which the Electric Generation Suppliers are licensed to do

business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1713. Filed for public inspection December 4, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Alleghenies Broadband, Inc. for a Declaratory Order that it is Not a Political Subdivision, or an Entity Established by a Political Subdivision, and Therefore is Not Subject to the Provisions of 66 Pa.C.S. § 3014(h); Doc. No. P-2020-3022749

On November 5, 2020, Alleghenies Broadband, Inc. (ABI) filed with the Pennsylvania Public Utility Commission (Commission) a Petition for a Declaratory Order that it is not a political subdivision, or an entity established by a political subdivision, and therefore is not subject to the provisions of 66 Pa.C.S. § 3014(h). See Docket No. P-2020-3022749. ABI is a nonprofit corporation formed by a nonprofit planning and development commission to promote and develop the deployment of broadband infrastructure in the Southern Alleghenies region of this Commonwealth. ABI seeks assurance that its provision of broadband services, for which it will apply for a Certificate of Public Convenience as a competitive access provider, is not subject to the requirements of 66 Pa.C.S. § 3014(h) because the company is not a political subdivision or an entity created by a political subdivision.

Interested persons may file an answer to ABI's request for a declaratory order within 20 calendar days of the publication of this notice in the *Pennsylvania Bulletin*. The answer must reference Docket No. P-2020-3022749 and should be eFiled through the Commission's eFiling System per the Commission's Emergency Order dated March 20, 2020, at Docket No. M-2020-3019262. Answers containing any confidential information should be e-mailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov. Individuals may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/>.

The contact person for this matter is Scott Thomas, Assistant Counsel, Law Bureau, (717) 783-2812. An elec-

tronic copy of any filing should also be sent to him at sjthomas@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1714. Filed for public inspection December 4, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Hamilton Relay, Inc. for Extension of Waiver of Equal Access and Billing Option Re- quirements for Telephone Relay Service; Doc. No. P-2017-2596198

On September 23, 2020, at Docket No. P-2017-2596198, Hamilton Relay, Inc. (Hamilton), the certificated Pennsylvania Telephone Relay Service (TRS) provider, see A-2014-2447601, filed a Letter Petition requesting permanent extension of the waiver granted by the Pennsylvania Public Utility Commission (Commission) on September 21, 2017, and December 6, 2018. This waiver relates to certain provision of Hamilton's service obligations relating to long distance calls. Hamilton requests permanent waiver of these service obligations because the FCC found these rules to no longer be necessary to achieve functional equivalence between TRS users and users of voice communication services. See In the Matter of Telecommunications Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities, CG Docket No. 03-123, 2020 WL 4569806, at *1 (Aug. 5, 2020).

On September 23, 2020, the Letter Petition was served on the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, counsel for the TRS Advisory Board, the Pennsylvania Telephone Association, Frontier Communications and Verizon.

Interested persons may file comments on the proposed permanent waiver within 20 calendar days of the publication of this notice. Comments must reference Docket No. P-2017-2596198 and should be e-Filed through the Commission's e-Filing System per the Emergency Order dated March 20, 2020. Confidential comments should be e-mailed to Rosemary Chiavetta at rchiavetta@pa.gov. Individuals may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/>.

Where possible, an electronic copy of any filing should also be sent to Eric Jeschke at ejeschke@pa.gov and

Christian McDowell at cmcdowell@pa.gov. The contact person for this petition is Christian McDowell, Assistant Counsel, Law Bureau, (717) 787-7466.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1715. Filed for public inspection December 4, 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 December 21, 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-2020-3021883. Timothy Fields (118 Elm Avenue, Hershey, Dauphin County, PA 17033) for the right to begin to transport, persons, by motor vehicle, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Dauphin, to points in Pennsylvania, and return.

A-2020-30227184. Mark Stettler, t/a Let Me Drive (P.O. Box 282, Bird In Hand, Lancaster County, PA 17505) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating a motor vehicle, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1716. Filed for public inspection December 4, 2020, 9:00 a.m.]

