

# PENNSYLVANIA BULLETIN

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Department of Community and Economic  
Development

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Labor and Industry

Department of Transportation

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

Pennsylvania Public Utility Commission

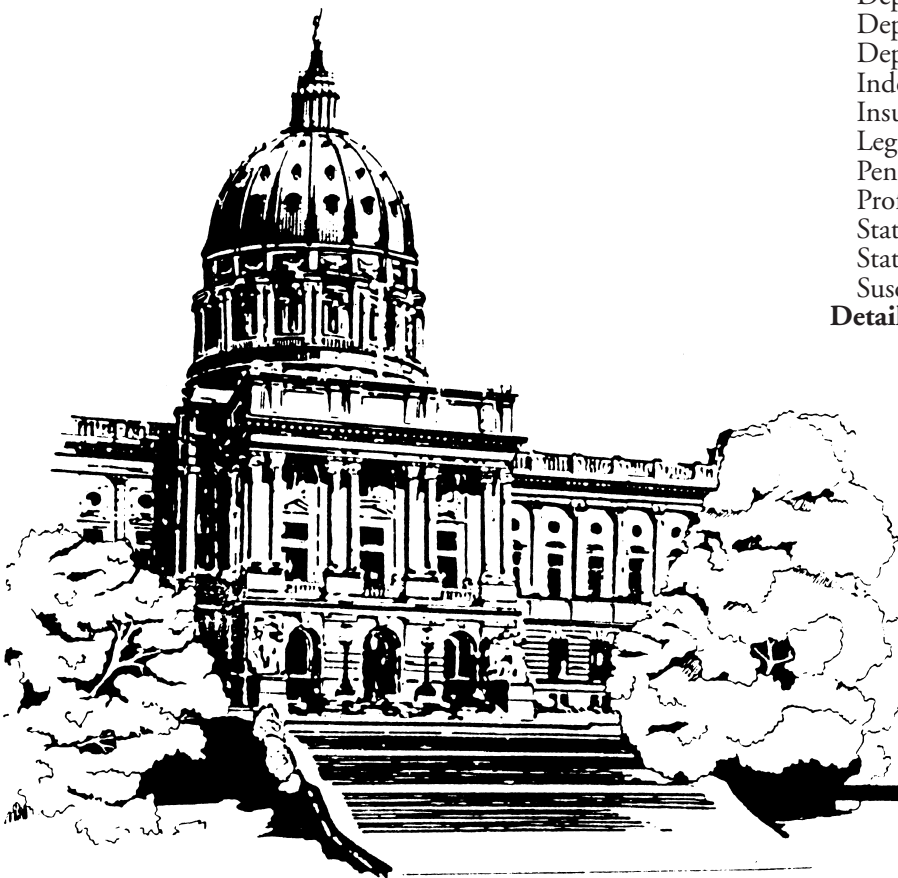
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Susquehanna River Basin Commission

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

**No. 533, April 2019**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2019.

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# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CH. 1 ]

#### Proposed Amendment of Pa.R.J.C.P. 191

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 191 to provide a written advisement to juveniles of their right to challenge a juvenile court hearing officer's recommendation of an adjudication of delinquency for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by May 31, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
 Procedural Rules Committee*

JUDGE JENNIFER R. SLETVOLD,  
*Chair*

### Annex A

## TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART D. JUVENILE COURT HEARING OFFICERS

#### **Rule 191. Juvenile Court Hearing Officer's Findings and Recommendation to the Judge.**

A. *Announcement of Findings and Recommendation.* At the conclusion of the hearing, the juvenile court hearing officer shall announce in open court on the record, the juvenile court hearing officer's findings and recommendation to the judge.

B. *Delinquency Recommendation.* If a recommendation includes an adjudication of delinquency:

1) the juvenile shall be advised of the right to challenge the recommendation pursuant to Rule 192, **as set forth in paragraph (E)**; and

2) a colloquy and inquiry of post-dispositional rights shall be conducted pursuant to Rule 512(C).

C. *Submission of Papers and Contents of Recommendation.* Within one business day, the juvenile court hearing officer shall submit a summary of the recommendation to the juvenile court judge. If requested, a copy of the summary shall be given to the juvenile's attorney, the juvenile, if unrepresented, the attorney for the Commonwealth, and the juvenile probation officer. The summary shall specifically state a recommendation to the judge.

D. *Judicial Action.* The judge shall by order:

1) accept the recommendation;

2) reject the recommendation and issue an order with a different disposition;

3) send the recommendation back to the juvenile court hearing officer for more specific findings; or

4) schedule a rehearing under Rule 192 within seven days.

**E. Advisement of Right to Challenge Recommendation.** **The hearing officer shall advise the juvenile of the right to challenge the hearing officer's recommendation substantially in the following form:**

#### **RIGHT TO CHALLENGE RECOMMENDATION OF HEARING OFFICER**

<b>In re</b>	:	<b>JD</b>
<b>(Juvenile)</b>	:	
	:	<b>Delinquent Act(s):</b>
	:	
	:	
	:	

**ADVISEMENT**

**1) You can disagree with the hearing officer's recommendation. You can ask for a new hearing before a judge. If you want a new hearing, you must request a new hearing in writing within three days from today and say why you want a new hearing.**

**2) You have the right to have a lawyer help you file your request. If your lawyer (who is helping you today) cannot or will not file the request for you, the court will appoint a new lawyer to help you.**

**3) Here's what could happen if you ask for a new hearing:**

**a) the court can deny your request for a new hearing within seven days after you ask for a new hearing; or**

**b) the court can give you a new hearing within seven days after you ask for a new hearing.**

**Comment**

The juvenile court may promulgate a form for juvenile court hearing officers to use. The summary of the recommendation may take the form of a court order to be adopted by the court.

The requirements of paragraph (B) are intended to ensure the juvenile is advised of the right to challenge the juvenile court hearing officer's recommendation and post-dispositional rights in the event the judge accepts the recommendation. If a party challenges the juvenile court hearing officer's decision, the copy of the summary may be used as an attachment in a motion for a rehearing in front of the judge.

The juvenile court hearing officer's decision is subject to approval of the judge. When the judge, in rejecting the juvenile court hearing officer's recommendation, modifies a factual determination, a rehearing is to be conducted. The judge may reject the juvenile court hearing officer's findings and enter a new finding or disposition without a rehearing if there is no modification of factual determinations. See *In re Perry*, 459 A.2d 789 (Pa. Super. 1983). The juvenile waives the right to complain of double jeopardy if the Commonwealth requests a rehearing before the judge. See *In re Stephens*, 419 A.2d 1244 (Pa. Super. 1980).

Nothing in this rule prohibits the court from modifying conclusions of law made by the juvenile court hearing officer.

**The form contained in paragraph (E) is intended to advise juveniles in writing of their right to challenge the recommendation of delinquency adjudication by a juvenile court hearing officer pursuant to Rule 192 by requesting a rehearing before a juvenile court judge. This form is in addition to the form contained in Rule 512(C) advising a juvenile of post-dispositional rights.**

***Official Note:*** Rule 191 adopted April 1, 2005, effective April 1, 2006. Amended April 6, 2017, effective September 1, 2017. Amended May 4, 2018, effective July 1, 2018. **Amended \_\_\_\_\_, 2019, effective \_\_\_\_\_, 2019.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 191 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 191 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 191 published with the Court's Order at 48 Pa.B. 2939 (May 19, 2018).

**Final Report explaining the amendments to Rule 191 published with the Court's Order at \_\_\_\_\_ Pa.B. (\_\_\_\_\_, 2019).**

**REPORT*****Proposed Amendment of Pa.R.J.C.P. 191***

The Juvenile Court Procedural Rules Committee herein proposes amendment of Pennsylvania Rule of Juvenile Court Procedure 191 to provide a written advisement to juveniles of their right to challenge a juvenile court hearing officer's recommendation of an adjudication of delinquency. The catalyst for this proposal was the Committee's review of a local form used for a similar purpose.

Currently, Rule 191(B)(1) requires a juvenile court hearing officer to advise a juvenile of the right to challenge a recommendation for an adjudication of delinquency pursuant to Rule 192. The Committee believed the advisement should be in writing using "plain language" intended to be more easily understood by a juvenile. This approach is consistent with the written information provided to a juvenile advising of post-dispositional rights. See Pa.R.J.C.P. 191(B)(2); Pa.R.J.C.P. 512(C). Accordingly, the Committee proposes a new paragraph (E) to contain an example of such an advisement. The requirement of this written advisement is only intended when there is a recommendation for an adjudication of delinquency; it is not intended for other types of recommendations.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 19-566. Filed for public inspection April 19, 2019, 9:00 a.m.]

**Title 237—JUVENILE RULES****PART I. RULES****[ 237 PA. CODE CH. 2 ]****Proposed Amendment of Pa.R.J.C.P. 231**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 231 to eliminate the requirement that a written allegation be submitted to a detention facility for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by May 31, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
 Procedural Rules Committee*

JUDGE JENNIFER R. SLETVOLD,  
*Chair*

### Annex A

## TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

#### PART C. WRITTEN ALLEGATION PROCEDURES

##### Rule 231. Written Allegation.

A. *Submission.* In every delinquency case, the law enforcement officer shall submit a written allegation to the juvenile probation office.

1) *Juvenile [ not under arrest ] Not Under Arrest.* When a juvenile is not under arrest, a written allegation shall be submitted to the juvenile probation office and a copy shall be forwarded to the attorney for the Commonwealth unless the District Attorney elects to require initial receipt and approval of the written allegation under paragraph (B).

2) *Juvenile [ under arrest ] Under Arrest.* When a juvenile is under arrest, a written allegation shall be submitted promptly to the court [ **or detention facility** ], and copies shall be immediately forwarded to the juvenile probation office and the attorney for the Commonwealth unless the District Attorney elects to require initial receipt and approval of the written allegation under paragraph (B).

B. *Approval by the District Attorney.* The District Attorney of any county may require initial receipt and approval of written allegations by an attorney for the Commonwealth before a delinquency proceeding is commenced.

1) *Certification.* If the District Attorney elects to require initial receipt and approval of written allegations in his or her county, the District Attorney shall file a certification with the court of common pleas. The certification shall specifically state the classes, grading, or types of cases that the police officer shall submit to the attorney for the Commonwealth.

2) *Timeliness.* All written allegations shall be approved or disapproved without unreasonable delay. An attorney

for the Commonwealth shall be available at all times for this purpose unless the District Attorney has specified otherwise in the certification pursuant to (B)(1).

C. *Procedures Following the Attorney for the Commonwealth's Approval.*

1) *Juvenile [ not under arrest ] Not Under Arrest.* If a juvenile is not under arrest and an attorney for the Commonwealth approves the written allegation, notice of the approval and a copy of the written allegation shall be forwarded immediately to the juvenile probation office.

2) *Juvenile [ under arrest ] Under Arrest.* If a juvenile is under arrest, the written allegation shall be submitted to the attorney for the Commonwealth and approved prior to taking the juvenile to a detention facility. If the written allegation is approved, it shall be submitted promptly to the court [ **or detention facility** ]. A copy of the notice of the approval and the written allegation shall be forwarded to the juvenile probation office.

D. *Attorney for the Commonwealth's Disapproval.* If the written allegation has been disapproved for prosecution, it shall nevertheless be transmitted to the juvenile probation office with notice of the disapproval. If the juvenile is in custody, the juvenile shall be released immediately unless there are other grounds for the juvenile's detention.

#### Comment

A "petition" and a "written allegation" are two separate documents and serve two distinct functions. A "written allegation" is the document that initiates juvenile delinquency proceedings. Usually, the "written allegation" will be filed by a law enforcement officer and will allege that the juvenile has committed a delinquent act that comes within the jurisdiction of the juvenile court. Once this document is submitted, a preliminary determination of the juvenile court's jurisdiction is to be made. Informal adjustment and other diversionary programs may be pursued. If the attorney for the Commonwealth or the juvenile probation officer determines that formal juvenile court action is necessary, a petition is then filed.

See Rules 210 (Arrest Warrants) and 220 (Procedures in Cases Commenced by Arrest Without Warrant) for the procedures on submitting written allegations for arrests.

Under paragraphs (A)(2) and (C)(2), the police officer is to submit the written allegation promptly to the intake staff at the court [ **or the detention facility** ].

As used in this rule, "District Attorney" is the District Attorney of each county. This rule gives the District Attorney of each county the option of requiring that written allegations and/or arrest warrant affidavits filed in that county by police officers have the prior approval of an attorney for the Commonwealth. Under the rule, the District Attorney may elect to require prior approval of written allegation, or arrest warrant affidavits (see Rule 210), or both. In addition, the District Attorney is given the authority to define which offenses or grades of offenses will require such prior approval. For example, the District Attorney may specify that prior approval will be required only if a felony is alleged, or that prior approval will be required for all cases.

Under paragraph (B), the District Attorney decides whether an attorney for the Commonwealth receives initial receipt and approval of written allegations. Once the District Attorney has filed a certification with the court under paragraph (B)(1), any attorney for the Com-

monwealth may receive and approve written allegations as specified in the certification by the District Attorney. This procedure creates a new option for the District Attorney to decide if written allegations need to be approved by an attorney for the Commonwealth. To implement this procedure, Rule 800 suspends 42 Pa.C.S. § 6304, only to the extent that probation officers may have to seek approval of any attorney for the Commonwealth.

Under paragraph (D), a juvenile should be released from custody unless there are other legally sufficient bases for detaining the juvenile, such as, violation of probation or other pending allegations.

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. See Rule 120 and its Comment for definition of “detention facility.”

**Official Note:** Rule 231 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately. **Amended \_\_\_\_\_, 2019, effective \_\_\_\_\_, 2019.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 231 published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 231 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013).

**Final Report explaining the amendments to Rule 231 published with the Court’s Order at Pa.B. \_\_\_\_\_, 2019.**

**REPORT**

**Proposed Amendment of Pa.R.J.C.P. 231**

The Juvenile Court Procedural Rules Committee herein proposes amendment of Pennsylvania Rule of Juvenile Court Procedure 231 to remove the requirement that a written allegation be submitted to a detention facility.

Currently, Rule 231 requires the prompt submission of a written allegation to the juvenile court and the detention facility when a juvenile is under arrest. See Pa.R.J.C.P. 231(A)(2) & (C)(2). The Committee received feedback that Rule 231 has been interpreted to require the written allegation to accompany the juvenile at the time of placement in the detention facility. Further, this interpretation places a burden on law enforcement to complete and deliver the written allegation at the time of placement.

The Committee was advised that the necessary information for such placements, as required by 37 Pa. Code § 200.2, was being conveyed to the detention facilities via the Juvenile Court Judges’ Commission’s form JCJC-D-1 (4/04) (“Statement of Facts and Reasons Accompanying the Detention of a Child by a Probation Officer/Intake Officer Pursuant to 42 Pa.C.S. §§ 6304, 6225, and 6331”). Therefore, the written allegation need not accompany a juvenile at the time of placement in a detention facility.

Accordingly, the Committee proposes the removal of this requirement with regard to detention facilities in Rule 231. Please note this proposed amendment is not intended to prohibit the later transmission of the written allegation to a detention facility. The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 19-567. Filed for public inspection April 19, 2019, 9:00 a.m.]

**Title 246—MINOR COURT CIVIL RULES**

**PART I. GENERAL**

[ 246 PA. CODE CHS. 200, 300, 400 AND 500 ]

**Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 209, 304, 403, 410, 503, 515 and 516**

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 209, 304, 403, 410, 503, 515, and 516 governing attachment of a non-military service affidavit to complaints for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

Pamela S. Walker, Counsel  
 Minor Court Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9546  
 minorrules@pacourts.us

All communications in reference to the proposal should be received by May 28, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Workgroup will acknowledge receipt of all submissions.

*By the Minor Court Rules Committee*

HONORABLE DAVID M. HOWELLS, Jr.,  
*Chair*

**Annex A**

**TITLE 246. MINOR COURT CIVIL RULES**

**PART I. GENERAL**

**CHAPTER 200. RULES OF CONSTRUCTION;  
 GENERAL PROVISIONS**

**Rule 209. Continuances and Stays.**

\* \* \* \* \*

E. Continuances and stays shall be granted in compliance with federal or state law, such as the Servicemembers Civil Relief Act [ **50 App. U.S.C. § 501 et seq.** ], **50 U.S.C. §§ 3901 et seq.**

**Official Note:** This rule was amended in 2005 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in [ **subdivision** ] **paragraph C** are intended to ensure that these cases proceed expeditiously. The grounds set forth in

[ subdivisions ] paragraphs D and E, of course, are not intended to be the only grounds on which a continuance will be granted

CHAPTER 300. CIVIL ACTION

Rule 304. Form of Complaint.

A. The complaint shall be made in writing on a form [ which shall be ] prescribed by the State Court Administrator.

B. [ The complaint shall be signed by the plaintiff or plaintiff's agent and verified as follows:

The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

C. ] The complaint shall set forth:

(1) The names and addresses of the parties.

(2) The amount claimed.

(3) A brief and concise statement of the facts upon which the claim is based including:

(a) the date, time and place of the occurrence and a brief description of the damages sustained when the claim alleges tortious conduct; or

[ Official Note: A civil action in which the claim alleges tortious conduct was formerly called an action in trespass. ]

(b) the date of the transaction and a brief description of the subject matter when the claim is contractual;

[ Official Note: A civil action in which the claim is contractual was formerly called an action in assumpsit. ]

(c) the date and description of the occurrence when the claim is for a civil fine or penalty and the citation to the statute authorizing the claim.

(4) Such other information as shall be required on the complaint form.

C. The complaint shall be signed by the plaintiff or plaintiff's agent and verified as follows:

The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

D. The plaintiff or plaintiff's agent shall attach a verified statement to the complaint setting forth facts showing that the defendant is in the military service, that the defendant is not in the service, or that the plaintiff is unable to determine whether or not the defendant is in the service.

Official Note: Rule 304 is designed to promote uniformity, simplification of procedure, and better access by the public to the judicial services of magisterial district judges. The use of a form will help to accomplish this purpose and will also provide easier statistical and other administrative control by the Supreme Court.

The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See Rule 217.

A civil action that alleges tortious conduct was formerly called an action in trespass. A civil action in which the claim is contractual was formerly called an action in assumpsit.

Paragraph D requires the plaintiff to affirm if the defendant is or is not in the military service, or if the defendant's military service status is unknown. This information is required to ensure that an eligible defendant receives the protections afforded by the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq. The verified statement shall be made in writing on a form prescribed by the State Court Administrator.

CHAPTER 400. ENFORCEMENT OF JUDGMENTS RENDERED BY MAGISTERIAL DISTRICT JUDGES FOR THE PAYMENT OF MONEY

Rule 403. Issuance and Reissuance of Order of Execution.

\* \* \* \* \*

Official Note: Under [ subdivision ] paragraph A, the order may be executed by the sheriff of the county in which the office of the issuing magisterial district judge is situated, as well as by any certified constable in that county.

If payment of the judgment was ordered to be made in installments under Rule 323, the magisterial district judge should not issue an order of execution on the judgment unless it appears that there was a default in the installment payments.

[ Subdivision ] Paragraph B will permit the reissuance of an order of execution upon a timely-filed written request of the plaintiff [ timely filed ]. Compare Pa.R.C.P. No. 3106(b). The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order of execution form, "Reissuance of order of execution requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order of execution, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order of execution, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order of execution.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act[ ., 50 App. U.S.C. § 501 et seq ], 50 U.S.C. §§ 3901 et seq.

Rule 410. Stay of Execution Generally.

\* \* \* \* \*

Official Note: Compare Pa.R.C.P. No. 3121(a). Other rules in this chapter may also provide for a stay in specific circumstances covered by those rules. The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act[ ., 50 App. U.S.C. § 501 et seq ], 50 U.S.C. §§ 3901 et seq.

**CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY**

**Rule 503. Form of Complaint.**

A. The complaint shall be made in writing on a form [ which shall be ] prescribed by the State Court Administrator.

B. [ The complaint shall be signed by the plaintiff or plaintiff's agent and verified as follows: The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

C. ] The complaint shall set forth:

- (1) The names and addresses of the parties.
- (2) The location and the address, if any, of the real property possession of which is sought to be recovered.
- (3) That the plaintiff is the landlord of that property.
- (4) That [ he ] the plaintiff leased or rented the property to the defendant or to some other person under whom the defendant claims.
- (5) That notice to remove was given to the defendant in accordance with law, or that no notice was required under the terms of the lease.
- (6) That—
  - (a) the term for which the property was leased or rented is fully ended, or
  - (b) a forfeiture has resulted by reason of a breach of the conditions of the lease, or
  - (c) rent reserved and due has, upon demand, remained unsatisfied.
- (7) That the defendant retains the real property and refuses to give up possession of the property.
- (8) The amount of rent, if any, [ which ] that remains due and unpaid on the date the complaint is filed and whatever additional rent shall remain due and unpaid at the date of the hearing, and the amount of damages, if any, claimed for injury to or unjust detention of the real property.

**C. The complaint shall be signed by the plaintiff or plaintiff's agent and verified as follows:**

**The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.**

\_\_\_\_\_  
Signature

**D. The plaintiff or plaintiff's agent shall attach a verified statement to the complaint setting forth facts showing that the defendant is in the military service, that the defendant is not in the service, or that the plaintiff is unable to determine whether or not the defendant is in the service.**

*Official Note:* As in the other rules of civil procedure for magisterial district judges, the complaint will be on a printed form. The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified*

*Judicial System of Pennsylvania.* See Rule 217. As to notice to remove, the form will simply state that such a notice, when required, was given to the defendant in accordance with law. See § 501 of the Landlord and Tenant Act, 68 P.S. § 250.501, as amended by § 2(a) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53, 42 P.S. § 20002(a).

In [ subdivision C(8) ] **paragraph B(8)** the landlord is permitted to claim, in addition to the specific amount of rent due and unpaid at the date of filing, whatever unspecified amount of rent will remain due and unpaid at the date of the hearing. As to claiming damages for injury to property, compare Pa.R.C.P. No. 1055.

**Paragraph D requires the plaintiff to affirm if the defendant is or is not in the military service, or if the defendant's military service status is unknown. This information is required to ensure that an eligible defendant receives the protections afforded by the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq. The verified statement shall be made in writing on a form prescribed by the State Court Administrator.**

See Act of January 24, 1966, P.L. (1965) 1534, § 1, as amended by Act of August 11, 1967, P.L. 204, No. 68, § 1, Act of June 11, 1968, P.L. 159, No. 89, § 2, 35 P.S. § 1700-1, which states that "no tenant shall be evicted for any reason whatsoever while rent is deposited in escrow" because the dwelling in question has been certified as unfit for human habitation by the appropriate city or county agency. It seems appropriate to leave the matter of evidencing or pleading such a certification or lack thereof to local court of common pleas rules.

\* \* \* \* \*

**Rule 515. Request for Order for Possession.**

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B.(1) Except as otherwise provided in [ subparagraph (2) ] **paragraph B(2)**, if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the plaintiff requests an order for possession,

(a) an appeal or writ of *certiorari* operates as a *supersedeas*; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding **or other federal or state law**; and

(c) the *supersedeas* or **the bankruptcy or other** stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession,

the plaintiff may request an order for possession only within 120 days of the date the *supersedeas* or **the** bankruptcy **or other** stay is stricken, dismissed, lifted, or otherwise terminated.

**Official Note:** The [ **fifteen** ] **15** days in [ **subdivision** ] **paragraph** A of this rule, when added to the [ **16 day** ] **16-day** period provided for in Rule 519A, will give the defendant time to obtain a *supersedeas* within the appeal period. See Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a [ **ten-day** ] **10-day** appeal period from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for **an** order for possession in [ **subparagraph** ] **paragraph** B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for **an** order for possession generally must be filed within 120 days of the date of the entry of the judgment.

**The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.**

[ **Subparagraph** ] **Paragraph** B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy **or other** stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the *supersedeas* or **the** bankruptcy **or other** stay is stricken, dismissed, lifted, or otherwise terminated.

The time limits in which the plaintiff must request an order for possession imposed in [ **subdivision** ] **paragraph** B apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. See Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. See Rules 516 through 520 and [ **Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d)** ] **44 Pa.C.S. § 7161(d)**.

**Rule 516. Issuance and Reissuance of Order for Possession.**

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the plaintiff. The magisterial district judge shall attach a copy of the request form to the order for possession.

B.(1) Except as otherwise provided in [ **subdivision** ] **paragraph** C, upon written request of the plaintiff the magisterial district judge shall reissue an order for possession for one additional [ **60 day** ] **60-day** period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding **or other federal or state law**, and

(a) the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy **or other** stay is lifted; and

(c) the plaintiff wishes to proceed with the order for possession,

the plaintiff must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with [ **subparagraph (1)** ] **paragraph B(1)**.

C. In a case arising out of a residential lease a request for reissuance of an order for possession may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding **or other federal or state law**, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy or **other stay** is lifted.

D. A written request for reissuance of the order for possession filed after an appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or a bankruptcy **or other** stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of *certiorari*, or *supersedeas*, or lifting the bankruptcy **or other** stay.

**Official Note:** The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A plaintiff who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

[ **Subdivision** ] **Paragraph** B provides for reissuance of the order for possession for one additional [ **60 day** ] **60-day** period. However, pursuant to [ **subdivision** ] **paragraph** C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding **or other federal or state law**, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy **or other** stay is lifted. The additional [ **60 day** ] **60-day** period need not necessarily immediately follow the original [ **60 day** ] **60-day** period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an

order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

**The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.**

The time limits in which the plaintiff must request reissuance of an order for possession imposed in [ **subdivision** ] **paragraph** C apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. *See* Rule 521A.

**PUBLICATION REPORT**

***Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 209, 304, 403, 410, 503, 515, and 516***

The Minor Court Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 209, 304, 403, 410, 503, 515, and 516. These amendments will require the attachment of a verified statement regarding a defendant's military service status to complaints in civil and landlord tenant actions in magisterial district courts, and will also make stylistic, corrective, and correlative changes throughout the cited rules.

The Committee received inquiries regarding the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.* ("Act"). Specifically, the Committee was asked how the Act's requirement that a plaintiff file an affidavit regarding the defendant's military service with a court prior to the entry of a default judgment was addressed in the Rules. Under the Act, in any civil action or proceeding in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit stating whether or not the defendant is in military service, or that the plaintiff is unable to determine whether or not the defendant is in military service. *See* 50 U.S.C. § 3931(1). The plaintiff's affidavit must state facts supporting the assertions regarding the defendant's military status. *Id.* The Act also provides protections for servicemembers in landlord tenant matters. *See* 50 U.S.C. § 3951.

The definition of "court" under the Act is defined broadly enough to encompass the magisterial district courts. "The term 'court' means a court or administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record." *See* 50 U.S.C. § 3911(5). However, current procedural rules for the magisterial district courts do not address attaching an affidavit regarding military service to the complaint, request for entry of judgment, or request for order of possession. The only current references to the Act in the Rules are in

Rules 209 (Continuances and Stays), 403 (Order of Execution), and 410 (Stay of Execution). These rules cite the Act as a basis for stays, but do not address the affidavit set forth in the Act.

Upon review of the Act, the Committee considered how to implement its requirements and determined that requiring the plaintiff to attach the affidavit to the complaint was the best way to ensure compliance with the Act. By requiring attachment of a verified statement regarding defendant's military service to the complaint, the court will be in possession of the statement before entering a default judgment for the plaintiff if the defendant does not appear at the hearing. Additionally, under Rule 319B, there are circumstances where the magisterial district judge may enter judgment for the plaintiff, even if neither party appears for the hearing. Having the verified statement prior to the hearing will permit the magisterial district court to move forward with the default judgment without having to belatedly obtain the verified statement from the plaintiff.

The Committee is considering proposing to the Court amendments to Rules 304 and 503 to add a requirement that the plaintiff attach a verified statement regarding defendant's military service to the complaint. The Committee is considering recommending the amendment of Rules 515 and 516 to parallel existing references to stays pursuant to federal and state law in Rules 403 and 410. Statutory citations in Rules 209, 403, 410, and 515 will be updated and stylistic changes have been made throughout the Rules.

[Pa.B. Doc. No. 19-568. Filed for public inspection April 19, 2019, 9:00 a.m.]

**DISCIPLINARY BOARD  
OF THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated April 4, 2019, Shannon Marie Pringle (# 207458) who resides in Niceville, Florida, is transferred to administrative suspension status for failure to pay taxed expenses under Pa.R.D.E. 208(g)(3). 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. 19-569. Filed for public inspection April 19, 2019, 9:00 a.m.]



# PROPOSED RULEMAKING

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

[ 22 PA. CODE CH. 235 ]

### Code of Professional Practice and Conduct for Educators

The Professional Standards and Practices Commission (Commission) proposes to amend 22 Pa. Code Chapter 235 (relating to code of professional practice and conduct for educators) to read as set forth in Annex A.

The General Assembly has charged the Commission with adopting and maintaining a code for professional practice and conduct applicable to all educators. See 24 P.S. § 2070.5(a)(10). The Commission adopted the Code of Professional Practice and Conduct for Educators (Code) in 1992 and it has not been updated since. These amendments are designed to update and revise the Code to include technology related standards and to make the Code relevant and applicable to current educators. In addition to technology related guidelines, the proposed amendments present new or expanded guidelines addressing educators' ethical responsibilities to students, colleagues and the profession. Following is a summary of this proposed rulemaking.

#### *Summary*

Throughout this proposed rulemaking, the term "professional educator" is replaced by the term "educator" to make this proposed rulemaking consistent with the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c).

Section 235.2(c) (relating to introduction) clarifies that the inclusion of specified violations of the Code as an independent basis for a public or private reprimand does not preclude the Department of Education (Department) from pursuing discipline, including suspension or revocation, on other available grounds.

Section 235.3(c) (relating to purpose) clarifies that the purpose of the Code is to set expectations for educators, guide educational practice and inspire professional excellence.

Section 235.3a (relating to definitions) adds definitions for the following key terms: "boundaries;" "dual or multiple relationships;" "educator;" "electronic communication;" "fiduciary relationship;" "harm;" "safe environment;" "safety;" "school entity;" "sexual misconduct;" and "transparency."

Section 235.4 (relating to professional practices) sets forth professional practices that all educators are expected to adopt and maintain throughout their careers. The proposed amendments to subsection (b)(1) specify that educators are expected to comply with all laws and written school entity policies rather than certain enumerated laws. The expectation that educators abide by all laws and school entity policies is consistent with the Commission's definition of duty in 22 Pa. Code § 237.8 (relating to negligence), the breach of which may support a finding of negligence and the imposition of discipline. Specifically, that section provides in pertinent part that a duty may be established by law or by school rules, policies or procedures. Existing § 235.4(9) has been deleted to avoid inconsistency with proposed § 235.5a(c) (relating to commitment to students). The amendments

also present new or expanded guidelines addressing the following key concepts: the fiduciary relationship; boundaries; dual or multiple relationships; nondiscrimination and respect for cultural and other differences; role modeling; maintaining the dignity and integrity of the profession; and educators' use of social media and other forms of electronic communication.

Section 235.5 (relating to conduct) specifies those sections of the Code that, if violated, may constitute an independent basis for a public or private reprimand. Existing §§ 235.6—235.11 have been replaced by proposed §§ 235.5a, 235.5b and 235.5c (relating to commitment to colleagues; and commitment to the profession). However, much of the existing language has been maintained. Existing § 235.6 (legal obligations) has been incorporated into proposed § 235.4(b)(1). Existing §§ 235.7—235.11 have been incorporated into proposed §§ 235.5a—235.5c virtually without change. The purpose of the restructuring is to frame the educator's ethical responsibilities within the contexts of the educator's commitment to students, colleagues and the profession, thereby highlighting the key principles underpinning good practice in the field.

Section 235.5a sets forth standards for professional conduct in fulfillment of the educator's commitment to students. The proposed amendments emphasize the importance of fostering a positive learning environment and protecting students from all forms of harm. The proposed amendments also add standards addressing an educator's use, possession or distribution of alcoholic beverages or illegal or unauthorized drugs, and maintenance of confidentiality. Subsection (d) has been updated to reflect and correspond to the addition of "sexual misconduct" in the act. Subsection (j) defines and prohibits inappropriate communication, including inappropriate communication achieved through electronic communication, with a student or minor.

Section 235.5b sets forth standards for professional conduct in fulfillment of the educator's commitment to colleagues. This section includes prohibitions against sexual harassment; intentional distortion of evaluations; threats, coercion or discrimination against colleagues who report violations; the use of improper means to influence professional decisions; and the unauthorized disclosure of confidential health or personnel information.

Section 235.5c sets forth standards for professional conduct in fulfillment of the educator's commitment to the profession. The proposed amendments add or expand standards addressing: misrepresentation and document fraud; reporting and cooperation during official investigations and proceedings; security of standardized testing; nondiscrimination; and improper personal or financial gain. Proposed § 235.5c(g) maintains the anti-discrimination language found in existing § 235.8 (relating to civil rights), while adding color and gender identification or expression to the list of bases of discrimination. This section is consistent with the Pennsylvania Human Relations Act (PHRA) (43 P.S. §§ 951—963). While the PHRA does not explicitly enumerate sexual orientation or gender identity or expression, in guidelines released in August 2018, the Pennsylvania Human Relations Commission stated explicitly that it interprets the existing protections against sex discrimination to include protections for sexual orientation and gender identity or expression. The proposed § 235.5c(g) eliminates the § 235.8

requirement that discrimination be found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline. The Commission proposes to eliminate this requirement because enforcement of the Code should not be dependent on the action or inaction of another agency.

*Statutory Authority*

This proposed rulemaking is authorized by section 5(a)(10) of the act (24 P.S. § 2070.5(a)(10)).

*Affected Parties*

This chapter affects all educators who have been certified by the Department, as well as all noncertified charter or cyber charter school staff members and contracted educational provider staff members who work in positions for which certification would be required in a traditional public school but who are legally exempted from the certification requirements.

*Fiscal Impact and Paperwork Requirements*

This proposed rulemaking has no fiscal impact and imposes no additional reporting or paperwork requirements on affected parties.

*Effective Date*

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

*Sunset Date*

There is no sunset date. The effectiveness of this proposed rulemaking will be reviewed and evaluated on an ongoing basis.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 8, 2019, the Commission 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 Senate Education Committee and the House Education Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if the IRRC has any comments, recommendations or objections to any portion of this proposed rulemaking, it may notify the Commission and the Committees within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor, of any comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17126-0333, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Persons needing additional information regarding this proposed rulemaking may contact Shane Crosby at (717) 787-6576.

MYRON YODER,  
*Chairperson Pro Tempore*

**Fiscal Note:** 6-340. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART XIV. PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

CHAPTER 235. CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR EDUCATORS

§ 235.1. Mission.

The Professional Standards and Practices Commission (PSPC) is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

§ 235.2. Introduction.

(a) Professional conduct defines interactions between the individual educator and students, the employing agencies and other professionals. Generally, the responsibility for professional conduct rests with the individual [ **professional** ] educator. However, in this Commonwealth, [ **a Code of Professional Practice and Conduct (Code) for certificated educators is required by statute and violation of specified sections of the Code may constitute a basis for public or private reprimand. Violations of the Code may also be used as supporting evidence, though may not constitute an independent basis, for the suspension or revocation of a certificate. The Professional Standards and Practices Commission (PSPC) was charged by the act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 12-1251—12-1268), known as the Teacher Certification Law, with adopting a Code by July 1, 1991. See 24 P.S. § 12-1255(a)(10) ] the Professional Standards and Practices Commission (PSPC) is charged with the duty to adopt and maintain a code for professional practice and conduct that shall be applicable to any educator. See § 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).**

(b) This chapter makes explicit the values of the education profession. When individuals become educators in this Commonwealth, they make a moral commitment to uphold these values.

(c) Violations of any of the duties prescribed by this chapter may be used as supporting evidence in disciplinary proceedings conducted by or on behalf of the PSPC under the act. Violations of specified sections of the code of professional practice and conduct may also be an independent basis for a public or private reprimand. Nothing in this chapter shall be construed to affect in any way the Department of Education's authority to initiate an action under the act to discipline an educator's certificate or employment eligibility, or both.

§ 235.3. Purpose.

(a) [ **Professional educators** ] **Educators** in this Commonwealth believe that the quality of their services directly influences the Nation and its citizens. [ **Professional educators** ] **Educators** recognize their obligation to provide services and to conduct themselves in a manner which places the highest esteem on human rights and dignity. [ **Professional educators** ] **Educators** seek to ensure that every student receives the highest quality of service and that every [ **professional** ] **educator** maintains a high level of competence from entry through ongoing professional development. [ **Profes-**

**sional educators ] Educators** are responsible for the development of sound educational policy and **are** obligated to implement that policy and its programs to the public.

(b) [ **Professional educators ] Educators** recognize their primary responsibility to the student and the development of the student's potential. Central to that development is the [ **professional ]** educator's valuing the worth and dignity of every person, student, and colleague alike; the pursuit of truth; devotion to excellence; acquisition of knowledge; and democratic principles. To those ends, the educator engages in continuing professional development and keeps current with research and technology. Educators encourage and support the use of resources that best serve the interests and needs of students. Within the context of professional excellence, the educator and student together explore the challenge and the dignity of the human experience.

**(c) The purpose of this chapter is to set expectations for educators; guide educational practice; and inspire professional excellence.**

(*Editor's Note:* The following section is proposed to be added and is printed in regular type to enhance readability.)

#### § 235.3a. Definitions.

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

*Act*—The Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c).

*Boundaries*—The verbal, physical, emotional and social distances between an educator and a student.

*Dual or multiple relationships*—Dual or multiple relationships occur when the educator engages in multiple or ongoing interactions with a student or members of the student's family in more than one context, whether professional, social or personal.

*Educator*—As defined in section 1b of the act (24 P.S. § 2070.1b).

*Electronic communication*—A communication transmitted by means of an electronic device such as a telephone, cellular telephone, computer, computer network, personal data assistant or pager. "Electronic communications" include e-mails, text messages, instant messages and communications made by means of an Internet web site, such as social media and social networking web sites, or mobile device applications.

*Fiduciary relationship*—A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice or protection is assumed.

*Harm*—The impairment of learning or any physical, emotional, psychological, sexual or intellectual damage to a student or a member of the school community.

*Safe environment*—A school setting which promotes the well-being of all members of the school community and is characterized by the absence of harm.

*Safety*—Freedom from harm.

*School entity*—As defined in § 1.2 of the act (24 P.S. § 2070.1b).

*Sexual misconduct*—As defined in § 1.2 of the act (24 P.S. § 2070.1b).

*Transparency*—Openness and accountability with respect to one's behaviors, actions and communications as an educator.

#### § 235.4. [ **Practices ] Professional practices.**

(a) Professional practices are behaviors and attitudes that are based on a set of values that the [ **professional ]** education community believes and accepts. These values are evidenced by the [ **professional ]** educator's conduct toward students and colleagues, and the educator's employer and community. When teacher candidates become [ **professional ]** educators in this Commonwealth, they are expected to abide by this section.

(b) [ **Professional educators ] Educators** are expected to abide by the following:

(1) [ **Professional educators shall abide by the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), other school laws of the Commonwealth, sections 1201(a)(1), (2) and (4) and (b)(1), (2) and (4) of the Public Employe Relations Act (43 P.S. §§ 1101.1201(a)(1), (2) and (4) and (b)(1), (2) and (4) and this chapter ] Educators shall comply with all Federal, State, and local laws and regulations and with written school entity policies.**

(2) [ **Professional educators ] Educators** shall be prepared, and legally certified, in their areas of assignment. Educators may not be assigned or willingly accept assignments they are not certified to fulfill. Educators may be assigned to or accept assignments outside their certification area on a temporary, short-term, emergency basis. **Examples of temporary, short-term, emergency basis assignments:** a teacher certified in English filling in a class period for a physical education teacher who has that day become ill; a substitute teacher certified in elementary education employed as a librarian for several days until the district can locate and employ a permanent substitute teacher certified in library science.

(3) [ **Professional educators ] Educators** shall maintain high levels of competence throughout their careers.

**(4) Educators shall respect the dignity, worth and uniqueness of each individual student, including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socioeconomic status and culture.**

**(5) Educators should seek to understand students' educational, academic, personal and social needs as well as students' values, beliefs and cultural background.**

[ (4) **Professional educators ] (6) Educators** shall exhibit consistent and equitable treatment of students, fellow educators and parents[. **They shall respect the civil rights of all and not discriminate on the basis of race, national or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest. This list of bases or discrimination is not all-inclusive ] and shall respect the civil rights of all.**

[ (5) **Professional educators ] (7) Educators** shall accept the value of diversity in educational practice.

Diversity requires educators to have a range of methodologies and to request the necessary tools for effective teaching and learning.

[ (6) Professional educators ] (8) Educators shall impart to their students principles of good citizenship and societal responsibility.

[ (7) Professional educators ] (9) Educators shall exhibit acceptable and professional language and communication skills. Educators shall communicate with students in a clear, respectful and culturally-sensitive manner. Their verbal and written communications with parents, students and staff shall reflect sensitivity to the fundamental human rights of dignity, privacy and respect.

[ (8) Professional educators ] (10) Educators shall be open-minded, knowledgeable and use appropriate judgment and communication skills when responding to an issue within the educational environment.

[ (9) Professional educators shall keep in confidence information obtained in confidence in the course of professional service unless required to be disclosed by law or by clear and compelling professional necessity as determined by the professional educator.

(10) Professional educators ] (11) Educators shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety.

(12) Educators shall be cognizant that the relationship between educator and student is a fiduciary relationship and as such requires the educator to exercise his or her rights and powers in good faith and for the benefit of the student.

(13) Educators shall promote the health, safety and well-being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries. Educators shall interact with students with transparency, at appropriate times and in appropriate settings.

(14) Educators shall avoid dual or multiple relationships with students where such relationships would impair objectivity and increase risk of harm to students or decrease educator effectiveness.

(15) Educators shall behave in a professional manner, cognizant of the public trust vested in the teaching profession and realizing that one's actions reflect directly on the status and substance of the profession. Educators shall serve as positive role models to both students and adults and are responsible for preserving the dignity and integrity of the profession and for practicing the profession according to the highest ethical standards.

(16) Educators should refrain from professional or personal activity, including activity online, which would reduce the educator's effectiveness within the school community.

(17) Educators shall exercise caution, sound judgment and transparency when using social media and other forms of electronic communication on and off duty. Educators shall maintain appropriate professional boundaries when communicating electronically with students, regardless of whether the communication methods are provided by the school entity or the educator uses his or her own personal

electronic communication methods. Educators should use electronic communication with students for educational purposes only and only as frequently as necessary to accomplish the educational purpose.

#### § 235.5. Conduct.

Individual professional conduct reflects upon the practices, values, integrity, and reputation of the profession. [ Violation of §§ 235.6—235.11 may constitute an independent basis for private or public reprimand, and may be used as supporting evidence in cases of certification suspension or revocation. ] In recognition of the magnitude of the responsibility inherent in the education process and by virtue of the desire to maintain the respect and confidence of their colleagues, students, parents and the community, educators are to be guided in their conduct by their commitment to their students, colleagues, and profession. Violations of §§ 235.5a—235.5c may constitute an independent basis for private or public reprimand.

(Editor's Note: The following sections are proposed to be added and are printed in regular type to enhance readability.)

#### § 235.5a. Commitment to Students.

The primary professional obligation of educators is to the students they serve. The educator must strive to help each student realize his or her potential as a worthy and effective member of society. The educator must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. An educator's responsibility includes nurturing the intellectual, physical, emotional, social and civic potential of all students and providing a safe environment.

In fulfillment of the commitment to students, educators:

(a) Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

(b) Shall not knowingly or intentionally misrepresent subject matter or curriculum.

(c) Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students. Information received in confidence from a student may be revealed without the student's consent to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy. An exception to this is information revealed by a student concerning child abuse or neglect, which the recipient is under a legal duty to report to the authorities.

(d) Shall not sexually harass or engage in sexual misconduct, including sexual relationships, with students.

(e) Shall not intentionally, knowingly or recklessly treat a student in a manner that adversely affects or endangers the learning, physical health, mental health or safety of the student.

(f) Shall not intentionally expose a student to embarrassment or disparagement.

(g) Shall not be on school premises or at a school-related activity involving students, while under the influ-

ence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

(h) Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

(i) Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom.

(j) Shall refrain from inappropriate communication with a student or minor, including, but not limited to, inappropriate communication achieved by electronic communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

(1) the nature, purpose, timing and amount/extent of the communication;

(2) the subject matter of the communication;

(3) whether the communication was made openly or the educator attempted to conceal the communication;

(4) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(5) whether the communication was sexually explicit; and

(6) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

#### § 235.5b. Commitment to colleagues.

The educator is committed to collaborating with colleagues in the interest of student learning. The educator should always maintain a professional relationship with colleagues, both in and outside the classroom.

In fulfillment of the commitment to colleagues, educators:

(a) Shall not knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.

(b) Shall not knowingly and intentionally distort evaluations of colleagues.

(c) Shall not sexually harass a colleague.

(d) Shall not use coercive means or promise special treatment to influence professional decisions of colleagues.

(e) Shall not threaten, coerce or discriminate against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, agency regulations or standards.

(f) Shall respect a colleague's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning confidential health or personnel information.

#### § 235.5c. Commitment to the profession.

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. To assure that the quality of the services of the education profession meets the expectations of this Commonwealth and its citizens, the educator shall exert every effort to raise professional standards,

fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education and assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the commitment to the profession, educators:

(a) Shall apply for, accept or assign a position or a responsibility on the basis of professional qualifications.

(b) Shall not knowingly assist entry into or continuance in the education profession of an unqualified person or recommend for employment a person who is not certified appropriately for the position.

(c) Shall not intentionally or knowingly falsify a document or intentionally or knowingly make a misrepresentation on a matter related to education, criminal history, certification, employment, employment evaluation or professional duties.

(d) Shall not falsify records or direct or coerce others to do so.

(e) Shall accurately report all information required by the local school board or governing board, State education agency, Federal agency or State or Federal law.

(f) Shall not knowingly or intentionally withhold evidence from the proper authorities and shall cooperate fully during official investigations and proceedings.

(g) Shall comply with all local, State or Federal procedures related to the security of standardized tests, test supplies or resources. Educators shall not intentionally or knowingly commit, and shall use reasonable efforts to prevent, any act that breaches test security or compromises the integrity of the assessment, including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school board or State directions for the use of tests.

(h) Shall not discriminate against a student or colleague on any basis including race, color, National or ethnic origin, culture, religion, sex or sexual orientation, gender identification or expression, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest.

(i) Shall not interfere with a student's or colleague's exercise of professional, political or civil rights and responsibilities.

(j) Shall not accept or offer gratuities, gifts or favors that impair or appear to influence professional judgment, decisions, or actions or to obtain special advantage. This section shall not restrict the acceptance of de minimis gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(k) Shall not exploit professional relationships with students, parents or colleagues for personal gain or advantage.

(l) Shall not knowingly misappropriate, divert, or use moneys, personnel, property or equipment committed to their charge without proper authorization for personal gain or advantage.

#### § 235.6. [ Legal obligations ] (Reserved).

[ (a) The professional educator may not engage in conduct prohibited by the act of December 12, 1973

(P.L. 397, No. 141) (24 P.S. §§ 12-1251—12-1268), known as the Teacher Certification Law.

(b) The professional educator may not engage in conduct prohibited by:

(1) The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and other laws relating to the schools or the education of children.

(2) The applicable laws of the Commonwealth establishing ethics of public officials and public employes, including the act of October 4, 1978 (P.L. 883, No. 170) (65 P.S. §§ 401—413), known as the Public Official and Employee Ethics Law.

(c) Violation of subsection (b) shall have been found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline. ]

§ 235.7. [ Certification ] (Reserved).

[ The professional educator may not:

(1) Accept employment, when not properly certificated, in a position for which certification is required.

(2) Assist entry into or continuance in the education profession of an unqualified person.

(3) Employ, or recommend for employment, a person who is not certificated appropriately for the position. ]

§ 235.8. [ Civil rights ] (Reserved).

[ The professional educator may not:

(1) Discriminate on the basis of race, National or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status; disabling condition or vocational interest against a student or fellow professional. This list of bases of discrimination is not all-inclusive. This discrimination shall be found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline.

(2) Interfere with a student's or colleague's exercise of political and civil rights and responsibilities. ]

§ 235.9. [ Improper personal or financial gain ] (Reserved).

[ The professional educator may not:

(1) Accept gratuities, gifts or favors that might impair or appear to impair professional judgment.

(2) Exploit a professional relationship for personal gain or advantage. ]

§ 235.10. [ Relationships with students ] (Reserved).

[ The professional educator may not:

(1) Knowingly and intentionally distort or misrepresent evaluations of students.

(2) Knowingly and intentionally misrepresent subject matter or curriculum.

(3) Sexually harass or engage in sexual relationships with students.

(4) Knowingly and intentionally withhold evidence from the proper authorities about violations of the legal obligations as defined within this section. ]

§ 235.11. [ Professional relationships ] (Reserved).

[ The professional educator may not:

(1) Knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.

(2) Knowingly and intentionally distort evaluations of colleagues.

(3) Sexually harass a fellow employe.

(4) Use coercive means or promise special treatment to influence professional decisions of colleagues.

(5) Threaten, coerce or discriminate against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, agency regulations or standards. ]

[Pa.B. Doc. No. 19-570. Filed for public inspection April 19, 2019, 9:00 a.m.]

# NOTICES

## 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 April 9, 2019.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
04-01-2019	Citizens & Northern Corporation Wellsboro Tioga County  Application for approval to acquire 100% of Monument Bancorp, Inc., Doylestown, and thereby indirectly acquire 100% of Monument Bank, Doylestown.	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
04-01-2019	Citizens & Northern Bank Wellsboro Tioga County  Merger of Monument Bank, Doylestown, with and into Citizens & Northern Bank, Wellsboro. All branch offices of Monument Bank became branch offices of Citizens & Northern Bank including the former main office of Monument Bank located at: <div style="text-align: right; margin-left: 400px;">465 North Main Street Doylestown Bucks County</div>	Effective
04-01-2019	Brentwood Bank Bethel Park Allegheny County  Merger of Union Building and Loan Savings Bank, West Bridgewater, with and into Brentwood Bank, Bethel Park.  As a result of the merger, the sole office of Union Building and Loan Savings Bank, located at the following address, became a branch office of Brentwood Bank: <div style="text-align: right; margin-left: 400px;">303 Leopard Lane West Bridgewater Beaver County</div>	Effective

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-04-2019	Sharon Savings Bank Darby Delaware County	900 West Sproul Road Suite 102 Springfield Delaware County	Approved
04-04-2019	Somerset Trust Company Somerset Somerset County	3966 Lincoln Highway Suite 101 Schellsburg Bedford County	Approved
04-09-2019	First Resource Bank Exton Chester County	321 West Lancaster Avenue Wayne Delaware County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-09-2019	QNB Bank Quakertown Bucks County	535 North 19th Street Allentown Lehigh County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-02-2019	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 4015 Freeport Road Natrona Heights Allegheny County  <i>From:</i> 1880 Heights Plaza Natrona Heights Allegheny County	Filed
04-09-2019	QNB Bank Quakertown Bucks County	<i>To:</i> Southwest Corner of Pottstown and Seminary Street Pennsburg Montgomery County  <i>From:</i> 410-420 Pottstown Avenue Pennsburg Montgomery County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-05-2019	First Commonwealth Bank Indiana Indiana County	217 Franklin Street Johnstown Cambria County	Closed
04-05-2019	First Commonwealth Bank Indiana Indiana County	1416 Mount Royal Boulevard Glenshaw Allegheny County	Closed

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-571. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Pennsylvania Housing Advisory Committee Meeting

The Pennsylvania Housing Advisory Committee (Committee) will meet on April 24, 2019, from 10 a.m. to 12 p.m. in the Forest Room, Keystone Building Meeting Center, 400 North Street, Harrisburg, PA 17120. The Committee is responsible for reviewing Statewide housing, community development and support services, needs and priorities, as well as advising the Department of Community and Economic Development (Department) in the preparation of the Commonwealth's Consolidated Plan, annual action plans and the coordination of Federal, State and local resources to manage the implementation of these plans.

As part of the planning process for the 2019—2023 Consolidated Plan and 2019 Action Plan, the Committee will be meeting in an open forum to discuss the Consolidated and Action Plans and how this year's allocation of Community Development Block Grant (CDBG), the HOME Investment Partnerships, the Emergency Solutions Grant, CDBG Disaster Recovery, Neighborhood Stabilization Program, Housing Opportunities for Persons

with AIDS and National Trust Fund funding will be distributed once received from the United States Department of Housing and Urban Development.

Persons who wish to attend the Committee meeting may attend in person, by telephone or connecting by means of the Internet. To attend the meeting electronically, follow the directions as follows.

<i>Topic:</i>	Committee Meeting
<i>Date:</i>	Wednesday, April 24, 2019
<i>Time:</i>	10 a.m.

Individuals can join the Committee meeting by going to <https://copa.webex.com/copa/k2/j.php?MTID=tb2bef2f8f9e21fb3760e1c9f4dd7d938>, then enter their name and e-mail address, then enter the session password: PHAC@2019Spr, then select "Join Now" and follow the instructions that appear on the screen. To view in other time zones or languages, use <https://copa.webex.com/copa/k2/j.php?MTID=t8f8571dc861654ac4abab2b100716f24>.

Individuals can join the Committee meeting by phone only by call-in toll number for the United States or Canada at (650) 479-3208. Global call-in numbers are at <https://copa.webex.com/copa/globalcallin.php?serviceType=TC&ED=807197562&tollFree=0>, then use access code: 642 558 404.



For assistance, individuals can contact the Department CHD, [jmichael@pa.gov](mailto:jmichael@pa.gov), (717) 787-5327.

Persons with a disability or limited English proficiency who wish to attend the Committee meeting and require an auxiliary aid, service or other accommodation to participate, should contact Megan Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308, at

a minimum of 72 hours before the meeting to discuss how the Department may best accommodate their needs.

Complete the following survey so the Department will know who is attending and how those individuals will attend: <https://www.surveymonkey.com/r/7DRFZPD>.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 19-572. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications.**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060151 (Sewage)	Camp Na'arim 209 Burns Road Waymart, PA 18472	Wayne County Clinton Township	Unnamed Tributary to Van Auken Creek (1-B)	Yes
PA0060712 (Sewage)	Rock Mountain Bible Camp Stone House Road Susquehanna, PA 18847-8243	Susquehanna County Gibson Township	Unnamed Tributary to Tunkhannock Creek (CWF, MF) (4-F)	Yes
PA0063223 (Sewage)	Martha J Vetter Res 1562 River Road Damascus, PA 18415-3003	Wayne County Damascus Township	Delaware River (CWF, MF) (1-A)	Yes
PA0063053 (Industrial)	Tamaqua Area Authority Water System Still Creek 320 E Broad Street Tamaqua, PA 18252-2138	Schuylkill County Rush Township	Little Schuylkill River (CWF, MF) (3-A)	No
PA0021873 (Sewage)	Jim Thorpe WWTP 1/2 Mile South of Laurel St. Jim Thorpe, PA 18229	Carbon County Jim Thorpe Borough	Lehigh River (TSF, MF) (2-B)	Yes
PA0053261 (Industrial)	Praxair, Inc. 90 Commerce Way Stockertown, PA 18083	Northampton County Stockertown Borough	Bushkill Creek (HQ-CWF, MF) (1-F)	Yes
PA0034029 (Sewage)	LCA Sand Spring WWTP 4050 Sand Spring Road Schnecksville, PA 18078	Lehigh County North Whitehall Township	UNT to Coplay Creek (CWF, MF) (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0260975 (Sewage)	Virginville Sewage Treatment Plant 11 Kehl Road Fleetwood, PA 19522	Berks County/ Richmond Township	Sacony Creek (6-C)	Y
PA0010294 (Industrial)	TE Connectivity (Formerly Amp Inc) Williamstown Facility P.O. Box 3608 Ms 140-055 Harrisburg, PA 17105-3608	Dauphin County/ Williamstown Borough	Wiconisco Creek (6-C)	Y
PA0265896 (Stormwater)	Fayetteville Contractors Inc (FCI) (Asphalt Plant) 3185 Lincoln Way East P.O. Box 610 Fayetteville, PA 17222-0610	Franklin County/ Antrim Township	Muddy Run (13-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253324 (Sewage)	Scenery Hill Manor Personal Care Home STP P.O. Box 240 Brockway, PA 15824-0240	Indiana County Armstrong Township	Cheese Run (17-E)	Yes
PA0218642 (Sewage)	Marion Center STP 22825 Route 403 Hwy N Marion Center, PA 15759	Indiana County East Mahoning Township	Pine Run (CWF) (17-E)	Yes
PA0216178 (Sewage)	Cherrybrook STP 542 Cherryhill Drive Bridgeville, PA 15017	Washington County Cecil Township	Unnamed Tributary to Chartiers Creek (WWF) (20-F)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0098094 (Sewage)	Pittsburgh Airport Park MHP STP 3499 US Highway 9 Suite 3C Freehold, NJ 07728-3277	Beaver County Independence Township	Raccoon Creek (20-D)	Yes
PA0023892 (Sewage)	Bessemer Run STP 1 East Church Street Masontown, PA 15461-1841	Fayette County German Township	Cats Run (WWF) (19-G)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0210285 (Sewage)	James A Newton SFTF 2415 Jackson Avenue Warren, PA 16365-4389	Warren County Glade Township	Unnamed Tributary to Glade Run (CWF) (16-B)	Yes
PA0210803 (Sewage)	Star Route Estates MHP 2182 Beulah Road Pittsburgh, PA 15235	Crawford County East Mead Township	Unnamed Tributary to the Little Sugar Creek (16-D)	Yes
PA0103471 (Sewage)	Shenango Township STP 155 Campground Road West Middlesex, PA 16159	Mercer County Shenango Township	Shenango River (WWF) (20-A)	Yes

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

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

The following NPDES permit application was published in the February 16, 2019, issue of the *Pennsylvania Bulletin* and omitted listing a major special condition. The last item is in addition to all conditions listed before it.

**NPDES Permit No. PA0045985**, Sewage, **Mountaintop Area Joint Sanitary Authority Luzerne County**, 290 Morio Drive, Mountain Top, PA 18707, Dorrance Township, **Luzerne County**.

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

- Chesapeake Bay Conditions; Schedule of Compliance (CBOD<sub>5</sub> and TSS); Solids Management conditions; Water Quality-Based Effluent Limitations for Toxic Pollutants (Zinc); Whole Effluent Toxicity (WET) Conditions; Stormwater conditions; Stormwater prohibition; Necessary property rights; Residuals management; Chlorine minimization; Dry stream; Changes in existing stream/discharge; New POTW Pretreatment Development and Implementation conditions.

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

The EPA Waiver is not in effect.

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

**PA0266876**, Sewage, SIC Code 8811, **Wickstrom Jonathan G**, 14 Petsch Road, Reading, PA 19606. Facility Name: Wickstrom Res. This proposed facility is located in Alsace Township, **Berks 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 Antietam Creek, is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Annl Avg	XXX	XXX	10.0	XXX	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

**PA0087734**, Industrial, SIC Code 4941, **Columbia Water Co.**, P.O. Box 350, Columbia, PA 17512-0350. Facility Name: Hellam Gravity Water System Dugan Facility. This existing facility is located in Hellam Township, **York County**.

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

The receiving stream(s), Dugan Run, is located in State Water Plan watershed 7-I and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0045 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	8.0
Iron, Total	XXX	XXX	XXX	2.0	XXX	4.0
Manganese, Total	XXX	XXX	XXX	1.0	XXX	2.0

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

The EPA Waiver is in effect.

**PA0035823**, Sewage, SIC Code 7033, **Kent Saunders**, 5909 Little Cove Road, Mercersburg, PA 17236-9478. Facility Name: Saunders Park. This existing facility is located in Warren Township, **Franklin County**.

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

The receiving stream(s), Little Cove Creek, is located in State Water Plan watershed 13-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20

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

The EPA Waiver is in effect.

**PA0029297**, Sewage, SIC Code 8052, **PA Department of Human Services—South Mountain Restoration Center**, 10058 South Mountain Road, South Mountain, PA 17261. Facility Name: South Mountain Restoration Center. This existing facility is located in Quincy Township, **Franklin County**.

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

The receiving stream(s), Rocky Mountain Creek, is located in State Water Plan watershed 13-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .395 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.5 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.13
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	25.0	XXX	50
May 1 - Oct 31	XXX	XXX	XXX	20.0	XXX	40
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

**PA0080314**, Sewage, SIC Code 4952, **Hampden Township**, 230 S Sporting Hill Road, Mechanicsburg, PA 17050-3097. Facility Name: Hampden Township Roth Lane STP. This existing facility is located in Hampden Township, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 5.69 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Mini- mum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	711	1,044 Wkly Avg	XXX	15	22	40
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,423	2,135 Wkly Avg	XXX	30	45	81
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	213	XXX	XXX	4.5	XXX	12
May 1 - Oct 31	71	XXX	XXX	1.5	XXX	4
Total Phosphorus	70.7	XXX	XXX	2.0	XXX	5.4
Cyanide, Free (ug/L)	Report	Report	XXX	Report	Report	XXX
Thallium, Total	Report	Daily Max Report	XXX	Report	Daily Max Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	117,696	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	14,441	XXX	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

Sludge use and disposal description and location(s): Sludge is treated and then hauled off site via a contractor for land application.

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

- Chesapeake Bay Nutrient Requirements
- Whole Effluent Toxicity Testing
- Stormwater Requirements

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

The EPA Waiver is not in effect.

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

**PA0253308**, Industrial, SIC Code 9999, **AK Steel Corporation**, P.O. Box 832, Butler, PA 16003. Facility Name: AK Steel Hillside Landfill Site. This facility is located in Harmony Township, **Beaver County**.

Description of Activity: The application is for a new NPDES permit for discharges of treated Industrial Waste.

The receiving stream(s), Unnamed Tributary of Ohio River, is located in State Water Plan watershed 20-G 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 0.004 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
PCB-1016 (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PCB-1242 (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PCBs, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.004 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Boron, Total	XXX	XXX	XXX	1.6	3.2	XXX
Iron, Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
PCB-1016 (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PCB-1242 (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PCBs, Total (ug/L)	XXX	XXX	XXX	0.000064	0.000064	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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

**PA0271616**, Sewage, SIC Code 6512, **Halton Sportsmen's Club, Inc.**, 14407 River Road, Sigel, PA 15806-9312. Facility Name: Sportsmens Lodge. This proposed facility is located in Spring Creek Township, **Elk County**.

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

The receiving stream(s), Clarion River (CWF), is located in State Water Plan watershed 17-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 0.00035 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	Daily Max XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

**PA0271993**, Sewage, SIC Code 8800, **Kosterman Shane L**, 10545 Plum Road, Wattsburg, PA 16442-9317. Facility Name: Shane L Kosterman SRSTP. This proposed facility is located in Greene Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Sixmile Creek (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

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

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

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 2819402**, Sewerage, **Clifton Newell**, 3723 Orrstown Road, Orrstown, PA 17244.

This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment system to serve their proposed home off Sandy Mount Road in Letterkenny Township.

**WQM Permit No. 3691201 A-7**, Industrial Waste, **Valley Proteins Inc.—Terre Hill Division**, 151 ValPro Drive, P.O. Box 3588, Winchester, VA 22604-2586.

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

Description of Proposed Action/Activity: Applicant is seeking to renew the existing spray field permit.

**WQM Permit No. 2219401**, Sewerage, **East Hanover Township Municipal Authority**, 8848 Jonestown Road, Grantville, PA 17028-8650.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Applicant is seeking approval for sewer extensions and pump stations.

**WQM Permit No. 5419201**, CAFO, **Heisler's Egg Farm**, 757 Valley Road, Tamaqua, PA 18252.

This proposed facility is located in Walker Township, **Schuylkill County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for the construction/operation of an Egg Wash Water Treatment System.

**WQM Permit No. 0619402**, Sewerage, **Borough of Sinking Spring**, 2305 Reedy Road, Sinking Spring, PA 19608.

This proposed facility is located in Sinking Spring Borough, **Berks County**.

Description of Proposed Action/Activity: Applicant is seeking approval for sanitary sewer replacement and upgrade.

**WQM Permit No. 3800403 A3**, Sewerage, **Annville Township Wastewater Treatment Plant**, P.O. Box 178, Annville, PA 17003-0178.

This proposed facility is located in Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Applicant is seeking approval for installation of a centrifuge for dewatering stabilized biosolids.

**WQM Permit No. 0119401**, Sewerage, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316.

This proposed facility is located in Latimore Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the replacement of pump station # 3 force main.



**WQM Permit No. 0519201**, CAFO, **Michael Wilt and Corey Wilt**, 1408 Pointer Road, Everett, PA 15537.

This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of Wilt Swine Finishing Barn No. 2. Site is existing crop and dairy farm with existing swine finishing barn proposes to build a second 4,800-head swine finishing barn which also includes a manure storage structure. This will increase total manure storage volume associated with this project to over 2.5 million gallons.

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

**WQM Permit No. 465S118 A-1**, Sewage, **PA State University**, 2 Admin Bldg, New Kensington, PA 15068.

This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposed to conduct plant upgrade and some maintenance projects on its wastewater treatment plant. The upgrades will include installing new dichlorination system, and a dissolved oxygen, total residual chlorine and pH analyzers for its effluent testing.

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

**WQM Permit No. WQG01251901**, Sewage, **Kyle Marino**, 1647 Lee Road, Waterford, PA 16441.

This proposed facility is located in Summit Township, **Erie County**.

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

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

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

**PAI136105**, MS4, **North Huntingdon Township**, 11279 Center Highway, North Huntingdon, PA 15642-2018. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in North Huntingdon Township, **Westmoreland County**. The receiving streams Youghiogheny River (WWF), Tinkers Run (TSF), Crawford Run (WWF), Coal Run (TSF), Brush Creek (TSF), Unnamed Tributary to Long Run and Long Run (HQ-TSF), are located in State Water Plan watershed 19-D and 19-A and are classified for Warm Water Fishes and HQ—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450080	Arsha Vidya Paitham 651 Rt 115 Saylorsburg, PA 18353	Monroe	Hamilton Twp Ross Twp	Aquashicola Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480076	Mamora Realty LP 512 Hamilton St Allentown, PA 18101	Northampton	Forks Twp	Bushkill Creek (HQ-CWF, MF)

*Wayne Conservation District, 925 Court Street, Honesdale, PA 18431.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640016	Waymart Boro 28 Railroad Ln Waymart, PA 18472	Wayne	Waymart Boro Canaan Twp	Van Auken Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210033	Letterman, Inc. 716 North West Street Carlisle, PA 17013-1924	Cumberland	Carlisle Borough	Letort Spring Run (EV)
PAD280006	Guilford Township Water Authority 115 Spring Valley Road Chambersburg, PA 17202-8414	Franklin	Guilford Township	Falling Spring Branch (HQ-CWF)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD260009	Dunbar Borough/ Township Sanitary Sewer	Fayette County	Dunbar Township	Irishtown Run, Dunbar Creek (HQ-CWF); Gist Run (TSF)
PAD560004	Mid-Atlantic Interstate Transmission, LLC 341 White Pond Road Akron, OH 44320-1119	Somerset County	Addison Township; Black Township; Milford Township; Summit Township	Rhoades Creek (WWF); UNT to Rhoades Creek (WWF); Isers Run (EV); UNT to Isers Run (EV); Town Line Run (WWF); UNT to Town Line Run (WWF); Lost Run (WWF); McClintock Run (CWF); UNT to McClintock Run (CWF); UNT to Casselman River (WWF); Casselman River (WWF); Glade Run (CWF); Cucumber Run (WWF); UNT to Cucumber Run (WWF); Whites Creek (HQ-CWF); UNT to Whites Creek (HQ-CWF); Laurel Run (HQ-CWF); UNT to Laurel Run (HQ-CWF); Chub Run (WWF); Stony Batter Run (CWF); UNT to South Glade Creek (WWF); South Glade Creek (WWF)
PAD630015-1	Pennsylvania Department of Transportation, District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401	Washington County	South Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAD630036	Washington County Commissioners 100 West Beau Street Suite 701 Washington, PA 15301	Washington County	Cross Creek Township	Cross Creek (HQ-WWF)

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

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD250006	Barnhart Transportation LLC P.O. Box 247 Harborcreek, PA 16421	Erie	Harborcreek Township	Twelve-Mile Creek CWF; HQ

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

PAG-12	CAFOs
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**MS4 PAG-13 Notices of Intent Received.**

Northwest Regional Office: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone: 814.332.6942.

NPDES Permit No.	Applicant Name & Address	Municipality, County	Waiver Application Submitted (Y/N)	Pollutant Reduction Plan Submitted (Y/N)
PAG138307	McKean Township Erie County 9231 Edinboro Road McKean, PA 16426-1845	McKean Township Erie County	Y	N

**STATE CONSERVATION COMMISSION**

**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38**

**NUTRIENT MANAGEMENT PLANS**

**CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

Agricultural Operation Name and Address	County	Total Acres	AEU's	Animal Type	Special Protection Waters (HQ or EV or NA)	New or Renewal
Alan Harnish 3421 Blue Rock Rd. Lancaster, PA 17603	Lancaster	46.1	566.08	Swine	NA	R
Jason Rudolph 2129 Grace Ave Lebanon, PA 17046	Lebanon	106.9	180.70	Pullets Beef	NA	R

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Linford Snyder— Collette Pullet (Covered Bridge Road) 334 Covered Bridge Road Pine Grove, PA 17963	Schuylkill	0	372.60	Poultry (Pullets)	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

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

<b>Permit No. 3619504</b> , Public Water Supply.
Applicant <b>Elizabethtown Area Water Authority</b>
Municipality Mount Joy Township
County <b>Lancaster</b>
Responsible Official Del Becker, Authority Manager 211 West Hummelstown Street Elizabethtown, PA 17022

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Type of Facility	Public Water Supply
Consulting Engineer	Peter Lusardi, PE GHD, Inc. 1240 N. Mountain Rd. Harrisburg, PA 17112
Application Received:	2/28/2019
Description of Action	Replacement of GWR 4-log chlorine contact piping at Well No. 3.

<b>Permit No. 3619505</b> , Public Water Supply.
Applicant <b>Borough of Lititz</b>
Municipality Lititz Borough
County <b>Lancaster</b>
Responsible Official Todd Kauffman, Facilities Manager 7 South Street Lititz, PA 17543

Type of Facility	Public Water Supply
Consulting Engineer	Steven E. Riley, PE Entech Engineering, Inc P.O. Box 32 Reading, PA 19603
Application Received:	3/14/2019
Description of Action	Replacement of the filter media and ion exchange media. Also, interior repainting of the filter and ion exchange units.

<b>Permit No. 0719501</b> , Public Water Supply.
Applicant <b>Borough of Tyrone</b>
Municipality Tyrone Borough
County <b>Blair</b>
Responsible Official Ardean P. Latchford, Borough Manager 1100 Logan Avenue Tyrone, PA 16686

Type of Facility	Public Water Supply
Consulting Engineer	Kevin J. Nester, PE GHD, Inc. 321 Washington Street Huntingdon, PA 16652
Application Received:	3/21/2019
Description of Action	PWS application for the construction of a new chlorine booster station and the replacement of existing watermains.

**Permit No. 0619504 MA, Minor Amendment**, Public Water Supply.

Applicant **Kutztown Borough**  
 Municipality Kutztown Borough  
 County **Berks**  
 Responsible Official Troy Smith,  
 Water Plant Manager  
 45 Railroad Street  
 Kutztown, PA 19530

Type of Facility Public Water Supply  
 Consulting Engineer Staci A. Hartz, PE  
 Herbert Rowland and Grubic Inc  
 369 East Park Drive  
 Harrisburg, PA 17111

Application Received: 3/28/2019  
 Description of Action PWS application for an in-kind replacement of the existing filter media and support gravel. The underdrains will be inspected and repaired or replaced with a new, in-kind, system if it is deemed necessary.

**Permit No. 6709505**, Public Water Supply.

Applicant **Walmar MHC LLC**  
 Municipality Franklin Township  
 County **York**  
 Responsible Official Joseph R. Weber,  
 Chief Operating Officer  
 9073 Nemo Street  
 West Hollywood, CA 90069

Type of Facility Public Water Supply  
 Consulting Engineer N Peter Fleszar, PE  
 Glace Associates, Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011

Application Received: 3/29/2019  
 Description of Action Installation of Well No. 3 as a new source of supply. Treatment will include sodium hypochlorite disinfection, GWR 4-log treatment of viruses and softening.

**Permit No. 3619506 MA**, Public Water Supply.

Applicant **Mount Vernon Motel**  
 Municipality Rapho Township  
 County **Lancaster**  
 Responsible Official K C. Desai, Owner  
 980 Lebanon Road  
 Manheim, PA 17545

Type of Facility Public Water Supply  
 Consulting Engineer Charles A. Kehew II, PE  
 James R. Holley & Associates,  
 Inc.  
 18 South George Street  
 York, PA 17401

Application Received: 4/5/2019

Description of Action GWR 4-log inactivation of viruses for EP 100. Installation of sodium hypochlorite disinfection and chlorine contact tanks to meet the required contact time.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 2619508**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

[Township or Borough] Allison  
 Responsible Official David R. Kaufman,  
 Vice President—Engineering  
 Pennsylvania American Water Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

Type of Facility Water system  
 Consulting Engineer Pennsylvania American Water Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

Application Received Date March 27, 2019  
 Description of Action Rehabilitation and installation of a mixing system at the Allison water storage tank.

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

**Permit No. 2019501**, Public Water Supply

Applicant **Penncrest School District**  
 Township or Borough Hayfield Township  
 County **Crawford County**  
 Responsible Official Dr. Timothy S. Glasspool  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven Halmi, PE  
 Deiss & Halmi Engineering  
 105 Meadville Street  
 Edinboro, PA 16412

Application Received Date April 1, 2019

Description of Action Addition of phosphate chemical feed for corrosion control of school drinking water lines

**Permit No. 1019501**, Public Water Supply.

Applicant **Sonneborn LLC**  
 Township or Borough Petrolia Borough  
 County **Butler County**  
 Responsible Official Tom Duplessis  
 Type of Facility Public Water Supply  
 Consulting Engineer Eric Buzza  
 Gannett Fleming  
 Foster Plaza 8  
 Ste 400  
 Pittsburgh, PA 15220

Application Received Date April 1, 2019

Description of Action New treatment process to increase pH, greensand filtration, corrosion inhibition.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 6519507MA, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Bell Township

Responsible Official Michael Kukura, Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
Box 853  
Latrobe, PA 15650

Application Received Date March 15, 2019

Description of Action Regeneration/replacement of the existing granular activated carbon filter media within three filters at the GR Sweeney Water Treatment Plant.

**Permit No. 5260034-T1, Minor Amendment.** Public Water Supply.

Applicant **North Fayette County Municipal Authority**  
1634 University Drive  
P.O. Box 368  
Dunbar, PA 15431

[Township or Borough] Jefferson Township

Responsible Official Robert Softcheck,  
General Manager  
North Fayette County  
Municipal Authority  
1634 University Drive  
P.O. Box 368  
Dunbar, PA 15431

Type of Facility Water system

Consulting Engineer

Application Received Date April 5, 2019

Description of Action Transfer of water supply facilities formerly owned by the Jefferson Township Authority.

#### WATER ALLOCATIONS

#### Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA-737A—Resubmittal,** Water Allocations. **Croyle Township Water Authority**, P.O. Box 249, Summerhill, PA 15958, **Cambria County**. The applicant is requesting the right to purchase 100,000 gallons of water per day, annual average, from the Highland Sewer and Water Authority.

**WA26-1009,** Water Allocations. **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **Fayette County**. The applicant is requesting the right to purchase 50,000 gallons of water per day from the Indian Creek Valley Water Authority for their Connellsville District water system.

**WA26-1010,** Water Allocations. **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **Fayette County**. The applicant is requesting the right to purchase 30,000 gallons of water per day from the North Fayette County Municipal Authority for their Connellsville District water system.

#### 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—6026.907).

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

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

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

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

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

**Wilkes University-University Towers**, 10 East South Street, Wilkes-Barre City, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Wilkes University, 84 West South Street, Wilkes-Barre, PA 18766, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. Statewide Health remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Citizens Voice* on February 7, 2019.

**Schuylkill Mall-Former Sears Auto Center**, 830 Schuylkill Mall Road, New Castle Township, **Schuylkill County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of NorthPoint Development LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150, submitted a Notice of Intent to Remediate. Soil was contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, MTBE, naphthalene, 1,2,4-trimethyl benzene, 1,3,5-trimethyl benzene, trichloroethene, dichloroethene, and vinyl chloride from historic automotive parts cleaning. Future use of the site will be non-residential. Statewide Health remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Republican-Herald* on March 7, 2019.

**Praedium Partners-Forks Property**, 108 Golf Drive, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Praedium Partners LLC, 160 North Point Boulevard, Suite 200, Lancaster, PA 17601, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by historic releases of petroleum from underground storage tanks. Future use of the site will be non-residential. Site-Specific remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Pocono Record* on April 9, 2019.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-348.*

**Mauks, Inc.**, 3918 West 20th Street, Millcreek Township, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Mauks, Inc., 3854 West 20th Street, Erie, PA 16505, submitted a Notice of Intent to Remediate. Historically, the site has been used as a dry-cleaning facility. Site soil and site groundwater have been impacted with chlorinated solvents. The Site-Specific Standard has been selected for remediation of the site. Intended future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Erie Times News* on March 14, 2019.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit Application No. WMGR040-NE001. Safety-Kleen Systems, Inc.**, 600 Stewart Road, Wilkes-Barre, PA 18706. A permit renewal application for continued coverage under General Permit WMGR040 for the continued operation of a waste oil and spent antifreeze truck to rail car transfer facility at the Safety-Kleen Wilkes-Barre Service Center located in Hanover Township, **Luzerne County**. The application was received by the Department on April 1, 2019 and deemed administratively complete by the Regional Office on April 3, 2019.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 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.

#### 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 re-

view during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**14-00003K: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802). The Department has received a Plan Approval application for the construction of a new natural gas-fired turbine rated

at 6.11 MW, a heat recovery steam generator, and associated duct burner rated at 86 MMBtu/hr of heat input at the West Campus Steam Plant on the University Park Campus located in State College Borough and College Township, **Centre County**. The application is considered administratively complete as of March 27, 2019.

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

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

**43-270M: CCL Container** (1 Llodio Drive, Hermitage, PA 16148), application received which proposes the installation of 2 new Aluminum Can Manufacturing Lines. This project would also include the removal of Lines 2-5. The existing RTO control device C06 would reduce emissions from the proposed sources. This is an existing synthetic minor facility located in Hermitage Township, **Mercer County**.

**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.*

**06-05112E: WBLF Acquisition Co. LLC—Western Berks Landfill** (455 Poplar Neck Road, Birdsboro, PA 19508) for the installation of a fourth 1,148 bHP (856 kW) Caterpillar C3516 LE engine as part of the facility's on-site landfill gas (LFG) to energy plant in Cumru Township, **Berks County**. When aggregated with the three engines and flare permitted under PA 06-05112D, potential emissions from the project are estimated to be: 131.47 tpy CO, 48.86 tpy NO<sub>x</sub>, 7.77 tpy PM/PM<sub>10</sub>/PM<sub>2.5</sub>, 32.52 tpy SO<sub>x</sub>, 8.99 tpy VOC, 15.96 tpy of a single HAP (formaldehyde), and 18.83 tpy of combined HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements (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 will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

**67-03181A: Hartenstein Funeral & Cremation Care, Inc.** (19 South Main Street, Stewartstown, PA 17363) for the construction of a human crematory at the facility located in Stewartstown Borough, **York County**. The unit will be a Matthews Environmental IE43-PPI (Powerk Pak I) multiple-chamber crematory. The emissions from the proposed crematory in this project will not exceed the following limits: 1.62 tpy of CO, 1.94 tpy of NO<sub>x</sub>, 1.59 tpy of PM, and less than 1 tpy of VOC, SO<sub>x</sub>



and HAPs. DEP's review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and 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 this finding, DEP proposes to issue a plan approval for the proposed construction. The facility is a State-Only facility. If DEP determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to provisions of 25 Pa. Code Chapter 127.

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

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

**42-117B: Zippo Manufacturing Company** (401 Congress Street, Bradford, PA 16701), for the proposed construction of a computer numerical control (CNC) engraving cell in Bradford Township, **McKean County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code §§ 127.450 or 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 42-117B is for the proposed post construction approval of two computer numerical control (CNC) engraving cells. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 115 (CNC Engraving Cells—Model M8) & Source 116 (CNC Engraving Cells—Model M9):
  - Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively.
  - Combined emissions for Source 115 and Source 116 shall not exceed the following:
    - VOC: 7.25 #/hr
    - VOC: 31.76 tpy based on a 12-month rolling total
    - Total HAPs: 0.86 #/hr
    - Total HAPs: 3.77 tpy based on a 12-month rolling total
  - Combined emissions for Source 115 and Source 116 after August 31, 2020, shall not exceed the following:
    - VOC: 0.36 #/hr
    - VOC: 1.59 tpy based on a 12-month rolling total starting September 1, 2020
    - Total HAPs: 0.043 #/hr
    - Total HAPs: 0.19 tpy based on a 12-month rolling total starting September 1, 2020
- All recordkeeping shall commence upon startup of the source. All records shall be kept for a period of

five (5) years and shall be made available to the Department upon request.

- The permittee shall maintain a record of all preventive maintenance inspections of the source. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following operational data from the source (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Completion of operational inspection—daily defined as once per calendar day
- The permittee shall record the following:
  - Monthly coolant usage
  - Monthly VOC emissions in tons/month and tpy based on a 12-month rolling total
  - Monthly Total HAPs emissions in tons/month and tpy based on a 12-month rolling total
- The permittee shall submit a letter, by December 31, 2019, stating the facility will either install a thermal oxidizer capable of 95% destruction efficiency or they will only use VOC exempt solvent or a low VOC solvent (less than 0.73 tpy for Source 115 & 0.87 tpy for Source 116) for this source.
- The permittee shall perform a daily operational inspection of the source.
- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- The facility shall install a thermal oxidizer by August 31, 2020, if the facility doesn't switch to a VOC exempt solvent or a low VOC solvent (less than 0.73 tpy for Source 115 & 0.87 tpy for Source 116) by December 31, 2019.
- Alternate Operating Scenario for Source 115 & 116:
  - Combined emissions for Source 115 and Source 116 after installation of the control device shall not exceed the following:
    - VOC: 0.36 #/hr
    - VOC: 1.59 tpy based on a 12-month rolling total starting after installation of the control device
    - Total HAPs: 0.043 #/hr
    - Total HAPs: 0.19 tpy based on a 12-month rolling total starting after installation of the control device
- Stack test initially and at operating permit renewal for VOC
- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
- The permittee shall maintain a record of all preventive maintenance inspections of the source/control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems

or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the source/control device (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Completion of operational inspection—daily defined as once per calendar day
  - Thermal Oxidizer Combustion Chamber temperature continuously—defined as at least one recording every fifteen minutes
  - Completion of the VE observation—daily defined as once per calendar day (weekly defined as once per calendar week or monthly defined as once per calendar month)
- The permittee shall perform a daily operational inspection of the source/control device. As part of this operational inspection, the facility shall continuously watch the source for 5 minutes for the presence of an emission (condensed water vapor is not considered an emission). The person conducting the observation does not have to be certified in Method 9; however, the person should be knowledgeable with respect to the general procedures for determining the presence of visible emissions as stated in Method 22. Upon observing an emission, the facility shall take immediate action to eliminate the emission. If an emission is still observed after the corrective action, the facility shall not load any new material into any engraving cell until the facility can verify compliance with the opacity standards through methods prescribed in 25 Pa. Code § 123.43.
- The frequency of this observation maybe changed as follows:
  - If no observation of the presence of an emission is observed for 10 consecutive days, you may decrease the frequency to weekly. If any presence of an emission is observed, you must resume the observations daily.
  - If no observation of the presence of an emission is observed for 4 consecutive weeks, you may decrease the frequency to monthly. If any presence of an emission is observed, you must resume the observations daily.
- The permittee shall adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
  - Minimum one-hour average chamber temperature greater than 1,400 F or the one-hour average chamber temperature during the most recently approved performance test.
- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new minimum one-hour average chamber temperature. Within 24-hours of discovery of a reading outside of the prescribed range the permit-

tee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.

- All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full-scale reading.
- The permittee shall operate the control device at all times that the source is in operation.
- The permittee shall maintain and operate the source/control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [42-117B] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the proce-

dures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

**IP19-000165: Alden Park Apartments** (5500 Wisahickon Avenue, Philadelphia, PA 19144) for the operation of three residential apartment buildings, which are called Manor Building, Kenilworth Building, and Cambridge Building, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight (8) hot water heaters firing natural gas or No. 2 fuel oil each rated less than 5 MMBtu/hr, twelve (12) boilers firing natural gas as primary fuel and No. 2 fuel oil during periods of natural gas curtailment each rated less than 5 MMBtu/hr, and two (2) fire pumps firing diesel fuel each rated 157 kW. There will be potential Nitrogen Oxides (NO<sub>x</sub>) emissions of 15.60 tons per year (tpy), potential Particulate Matter (PM) emissions of 1.53 tpy, potential Carbon Monoxide (CO) emissions of 9.30 tpy, and potential Volatile Organic Compound (VOC) emissions of 0.59 tpy. The plan approval will contain operating, monitoring, and recordkeeping 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.

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

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*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.*

**44-03010: Trinity Plastics, Inc.** (13 Industrial Park, Lewistown, PA 17044-9342), to issue a natural minor operating permit renewal for the flexographic presses at Lewistown facility located in Granville Township, **Mifflin County**. The primary emissions from the facility are VOC from the surface coating. The facility's actual 2017 emissions are 3.29 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the

conditions include provisions derived from 25 Pa. Code §§ 129.63a, 129.67a and 40 CFR 63 Subpart KK.

**36-05107: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) to issue a State Only Operating Permit renewal for the bakery facility that produces bread, rolls, cookies and crackers located in East Cocalico Township, **Lancaster County**. The actual emissions from the facility in 2017 year are estimated at 10.1 tpy of NO<sub>x</sub>, 7.7 tpy of CO, 0.3 tpy of PM<sub>10</sub>, 0.06 tpy of SO<sub>x</sub>, 35.5 tpy of VOC and 2.2 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

**18-00016: Pine Creek Veterinary Associates, PC** (2161 Woodward Ave., Lock Haven, PA 17745) to issue a renewal State Only Operating Permit for the Susque Valley Animal Hospital located in Pine Creek Township, **Clinton County**. The facility is currently operating under State Only Operating Permit 18-00016. The facility's sources include one propane-fired Specialists, Inc. model ISI-27 animal remains crematory incinerator equipped with an integral secondary combustion chamber. The facility has potential emissions of 0.81 TPY of CO; 1.40 TPY of NO<sub>x</sub>; 0.01 TPY of SO<sub>x</sub>; 0.08 TPY of PM/PM<sub>10</sub>; 0.09 TPY of VOCs; 0.03 TPY hazardous air pollutants; 12,773 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**12-00004: Wabtec US Rail, Inc.** (55 S. Pine St., Emporium, PA 15834) to issue a renewal State Only Operating Permit for the Emporium Plant located in Emporium Borough, **Cameron County**. The facility is currently operating under State Only Operating Permit 12-00004. This renewal also includes a change of ownership from GE Company to Wabtec US Rail, Inc. (dba GE Transportation, a Wabtec Company). The facility's main sources include a motor coil burnout operation, several surface coating and curing lines, plantwide use of adhesives, sealants and solvents and various miscellaneous sources. The facility has potential emissions of 6.05 TPY of CO; 8.85 TPY of NO<sub>x</sub>; 0.05 TPY of SO<sub>x</sub>; 5.59 TPY of PM/PM<sub>10</sub>; 21.31 TPY of VOCs; 3.71 TPY of HAPs and 6,932 TPY of CO<sub>2</sub>e. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters

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

**17-00036: Stella-Jones Corporation** (392 Larkeytown Road, P.O. Box 287, DuBois, PA 15801-3940) for their wood preserving facility located in Sandy Township, **Clearfield County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the previously mentioned facility. The subject facility has the following potential emissions: 9.1 TPY of NO<sub>x</sub>; 48.2 TPY of CO; 1.8 TPY of SO<sub>x</sub>; 41.4 TPY of PM/PM<sub>10</sub>; 49.9 TPY of VOC and 6.8 TPY of HAPs. The facility's main air contaminations sources are the Wood Preserving Operation, a Wood-fired Boiler, Creosote-treated Wood Storage and various wood working equipment. The renewal permit includes a VOC emission restriction for the Wood Preserving Operation based on total production including Air-Dry and Boulton Charges. This restriction in conjunction with testing, monitoring, recordkeeping and reporting requirements are used as the Federally enforceable permit conditions to verify emissions are below the major source threshold. The Wood-fired Boiler at the facility is subject to the Boiler MACT for area source of HAP. The other applicable requirements in the renewal permit's conditions were derived from 25 Pa. Code Article III, Chapters 121—145. All applicable air quality regulatory requirements pertaining to the air contaminant sources in operation at this facility have been incorporated into the renewal permit, including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**56-00314: Bognar and Company, Inc.** (731-733 Washington Boulevard, Pittsburgh, PA 15228), In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, synthetic minor, State Only Operating Permit for the continued operation of a coal preparation plant, known as the Somerset Plant, located in Black Township, **Somerset County**.

Somerset Plant contains air contamination sources consisting of a small thermal rotary dryer, indoor crushing, screening and bagging operations, crushing and conveying operations, a refractory operation (seldom used), and rail unloading and loading operations. Air pollution prevention equipment at the facility includes a cyclone, fabric filters, and a water truck for the plant roads.

Annual potential emissions are 31 tons of PM<sub>10</sub>, 20 tons of PM<sub>2.5</sub>, 10 tons of SO<sub>2</sub>, 3 tons of NO<sub>x</sub>, 1 ton of CO, and 1 ton of VOC. Sources at the Somerset Plant are subject to 40 CFR Part 60, Subparts A and Y, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, PE, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-56-00314) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

**56-00219: Berwind Coal Sales Company** (509 15th Street, Windber, PA 15963), In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, synthetic minor, State Only Operating Permit for the continued operation of a coal preparation plant, known as the Huskin Run Tipple Facility, located in Shade Township, **Somerset County**.

The Huskin Run Tipple Facility contains air contamination sources consisting of a rotary breaker, radial stacker, stockpiles, and truck and rail unloading and loading operations. Air pollution prevention equipment at the facility includes enclosures, minimization of drop height, and a water truck for the plant roads.

Annual potential emissions are 18 tons of PM<sub>10</sub> and 10 tons of PM<sub>2.5</sub>. Sources at the Huskin Run Tipple Facility are subject to 40 CFR Part 60, Subparts A and Y, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, PE, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address

and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-56-00219) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

**43-00363: Pennex Aluminum Company**, (93 Werner Road, Greenville, PA 16125-9499), the Department intends to issue a Natural Minor State-Only Operating Permit to a facility which performs supplies aluminum extrusions from casting billets to extruding custom shapes. This facility located in Sugar Grove Township, **Mercer County**. The primary sources at the facility are the holding furnace, two (2) melting furnaces, two (2) homogenizing furnaces, and three (3) billet saws. Site level emission totals have been calculated for all applicable criteria pollutants and are below Title V levels. This facility estimates the following site level totals: PM<sub>10</sub>, 11.52 tons per year (tpy); SO<sub>x</sub>, 0.24 tpy; CO, 33.08 tpy; NO<sub>x</sub>, 36.05 tpy; VOC, 2.17 tpy and HAPs, 3.0 tpy. The permit contains emission restrictions, along with testing, monitoring, recordkeeping, reporting, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**61-00011: Sasol Chemicals (USA) LLC** (292 State Route 8, Oil City, PA 16301), the Department intends to issue the renewal of the Title V Operating Permit of a facility that manufactures industrial organic chemicals located in Cornplanter Township, **Venango County**. Permitted sources at the facility included a gas-fired/oil-fired boiler, furnaces, dryers, distillation columns, process vessels, storage tanks, fire pump engines, and miscellaneous chemical process manufacturing equipment. The facility is Title V because of its potential to emit VOCs. The facility has been subject to Federal and State regulations that include 40 CFR 60 Subpart VV, 40 CFR 63 Subparts ZZZZ and JJJJJJ, Compliance Assurance Monitoring (40 CFR Part 64), and RACT I (25 Pa. Code §§ 129.91 to 129.95). In this renewal, permit changes for the gas-fired/oil-fired boiler include addition of 25 Pa. Code § 123.22 provisions for fuel oil, addition of operating hour restriction to ensure gas-fired boiler status, and update of 40 CFR 63 Subpart JJJJJJ. For the two fire pump engines, permit changes are addition of RACT II (25 Pa. Code §§ 129.96 to 129.100) presumptive requirements for emergency engines, and addition of new recordkeeping requirement to demonstrate compliance with an existing NO<sub>x</sub> limit. The RACT II alternative requirements (Case-by-Case) for the two distillation columns and dryers will be reviewed separate from this renewal.

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Oldcastle APG Northeast, Inc.** (800 Uhler Road, Easton, PA 18040-6671) for their facility located in Forks Twp., **Northampton County**. This Plan Approval No. 48-00093A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00093A is for the installation and operation of an aggregate rotary dryer with cooler rated at 100 TPH. Particulate emissions generated during sand and stone aggregate drying operations will be controlled by two baghouses. The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The particulate emissions from the baghouses shall not exceed the Best Available Technology (BAT) standard of 0.02 grain/dscf and will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00093A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environment Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the

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

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

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

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

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

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

*Coal Applications Received*

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

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine and Preparation Plant in Richhill and Aleppo Townships, **Greene County** and related NPDES

permit to revise 2,510 acres of previously permitted underground and subsidence control boundary from development only mining to longwall mining. No additional discharges. The application was considered administratively complete on April 1, 2019. Application received: March 5, 2019.

**17921602 and NPDES No. PA0214191. King Coal Sales, Inc.**, (P.O. Box 712, Philipsburg, PA 16866). To renew the permit for the Cunard Coal Preparation Facility in Morris Township, **Clearfield County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 2, 2019. Application received: August 20, 2018.

**17921602 and NPDES No. PA0214191. King Coal Sales, Inc.**, (P.O. Box 712, Philipsburg, PA 16866). To revise the permit for the Cunard Coal Preparation Facility in Morris Township, **Clearfield County** and related NPDES permit. The area is currently permitted under Surface Mine Permit (SMP) # 17850127 and will allow SMP # 17850127 to be completed and allow the wind barrier that will be used as a final surface cover for the Cunard Permit to be bonded on the permit that utilizes it. Surface Acres Proposed 5.1. No additional discharges. The application was considered administratively complete on April 2, 2019. Application received: August 20, 2018.

**56111601 and NPDES No. PA0236098 and GP12-56111601. LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15905). To renew the permit for the Laurel Plant in Shade Township, **Somerset County** and related NPDES permit including renewal of Air Quality GPA/GP12 Authorization. No additional discharges. The application was considered administratively complete on April 2, 2019. Application received December 24, 2018.

**56911602 and NPDES No. PA0214400. Berwind Coal Sales Company**, (509 15th Street, Windber, PA 15963). To renew the permit for the Huskin Run Tipple in Shade Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 3, 2019. Application received December 6, 2018.

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

**65810113 and NPDES Permit No. PA0615668. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960). Renewal application for continued treatment to an existing bituminous surface mine, located in Cook and Donegal Townships, **Westmoreland County**, affecting 76.4 acres. Receiving streams: unnamed tributaries to Fourmile Run, classified for the following use: T5F. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 29, 2019.

*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**Permit No. 21940302, Hempt Bros., Inc.**, 205 Creek Road, P.O. Box 278, Camp Hill, PA 17011, commencement, operation and restoration of a bituminous surface large noncoal (industrial minerals) mine to change the land use from Pastureland (land occasionally cut for hay) to Commercial Highway District in Middlesex Township, **Cumberland County**, affecting 12.1 acres. Receiving stream: Conodoguinet Creek, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 3, 2019.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

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

\*The parameter is applicable at all times.

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

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

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

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

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

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

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

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

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

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0236012 (Mining Permit No. 32051601), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A revision to the NPDES and mining activity permit for the Crooked Creek Preparation Plant in Washington Township, **Indiana County**. DEP is issuing a department-initiated amendment to the permit to remove the cadmium and lead monitoring for outfall 001, remove the cadmium, lead, selenium, and zinc monitoring for outfall 002, and to remove the lead and zinc monitoring for outfall 003. Because there is no reasonable potential for the discharges to cause an excursion above the water quality criterion for these parameters. Surface Acres Affected 62.6. Receiving stream: Crooked Creek, classified for the following use CFW: TMDL. The application was considered administratively complete on January 17, 2018. Application received: January 17, 2018.

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

*Outfall 001* discharges to: Unnamed Tributary 46761 to Crooked Creek.

The proposed effluent limits for *Outfall 001* (Lat: 40° 39' 58.2" Long: 79° 14' 17.8") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0	-	-	-

*Outfall 002* discharges to: Unnamed Tributary to Unnamed Tributary 46761 to Crooked Creek.

The proposed effluent limits for *Outfall 002* (Lat: 40° 40' 03.5" Long: 79° 14' 02.2") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.62	3.24	3.93
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 003* discharges to: Unnamed Tributary 46761 to Crooked Creek.

The proposed effluent limits for *Outfall 003* (Lat: 40° 39' 58.4" Long: 79° 13' 58.1") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.75
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Sulfate	(mg/l)	-	-	-	Report



<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Dissolved Solids	(mg/l)	-	-	-	Report
Bromide, Total	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	-

EPA waiver not in effect.

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

**NPDES No. PA0219843 (Mining Permit No. 41940101), Fisher Mining Company**, 40 Choate Circle, Montoursville, PA 17754. This is a revision to the NPDES permit for bituminous coal surface mining in Pine Township, **Lycoming County** affecting 640.0 acres. Receiving streams: Right Fork Otter Run and Buckeye Run classified for the following use: CWF (Otter Run Watershed TMDL). Application received: July 30, 2018.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon existing baseline pollution load or the standards found at 25 Pa. Code § 87.102(a) group A, whichever is least stringent.

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

The following passive treatment pond outfall discharges to Right Fork Otter Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Location</i>
001	Y	125SP

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)			Monitor Only*	
Manganese (mg/l)			Monitor Only*	
Aluminum (mg/l)			Monitor Only*	
Alkalinity greater than acidity <sup>1</sup>			Monitor Only*	
Total Suspended Solids (mg/l)			Monitor Only*	
Osmotic Pressure (milliosmoles/kg)			Monitor Only*	

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

\* 125, which is currently being treated, is a Subchapter F discharge subject to § 87.201.

The following proposed passive treatment pond outfall discharges to Buckeye Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Location</i>
002	Y	MB8A

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)			Monitor Only*	
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only	

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

\* Manganese is subject to a September 26, 1996 Consent Order & Agreement and is evaluated through bio-monitoring of the receiving stream and a control stream.

The following sediment pond outfalls discharge to either Right Fork Otter Run or to Buckeye Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Location</i>
003	N	MB1
004	N	MB4
005	N	MB5
006	N	MB6

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

**NPDES No. PA0250082 (Mining Permit No. 65020101), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal NPDES permit for a bituminous surface mine in Unity Township, **Westmoreland County**, affecting 68 acres. Receiving stream(s): Unnamed Tributaries to Ninemile Run, classified for the following use(s): WWF. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: January 23, 2019.

The following treated wastewater outfall discharges to Unnamed Tributaries to Ninemile Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	TFO

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	Monitor and Report	Monitor and Report	Monitor and Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

**NPDES No. PA 0252212 (Mining Permit No. 03120102), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, Renewal NPDES permit for a bituminous surface mine in Madison Township, **Armstrong County**, affecting 188 acres. Receiving streams: Unnamed Tributary C to Allegheny River, Unnamed Tributary E to Allegheny River and Allegheny River, classified for the following use: WWF. Application received: January 25, 2019.

The following stormwater outfall discharges to the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	SW

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

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
Temperature		Monitor and Report	

The following alternate discharge limitations apply to stormwater facilities discharging to the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	SW

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

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/l)			7.0
Total Settleable Solids			0.5 (ml/l)

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

The following stormwater outfall discharges to Unnamed Tributary E to the Allegheny River:

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

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

<i>Outfalls: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	2.2	4.4	5.6
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
Temperature		Monitor and Report	

The following stormwater outfall discharges to Unnamed Tributary C to the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
003	N	SW

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

<i>Outfalls: 003</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

Temperature

Monitor and Report

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

The following treated wastewater outfall discharges to the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
004	N	MDT

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

<i>Outfalls: 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

Temperature

Monitor and Report

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

The following treated wastewater outfall discharges to Unnamed Tributary E to the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
005	N	MDT

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

<i>Outfalls: 005</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	2.2	4.4	5.6
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

Temperature

Monitor and Report

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E4502219-002. Arrowhead Lake Community Association, Inc.**, 961 Arrowhead Drive, Pocono Lake, PA 18347, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstruction and encroachments located within Arrowhead Lake Community Association:

1. The widening of a roadside stormwater channel resulting in a permanent impact of 0.01 acre of wetlands (EV).
2. The removal of an existing twin culvert and the construction and maintenance of a 25-foot wide road crossing consisting of a concrete box culvert having a span of 6 feet and an underclearance of 1.5 feet conveying a UNT to Trout Creek.

The project is located in the vicinity of 1063 Arrowhead Drive (Thornhurst, PA Quadrangle, Latitude: 41° 8' 57.72"; Longitude: -75° 34' 19.17") in Tobyhanna Township, Monroe County. Subbasin 2A.

**E5402219-001, Northpoint Development, LLC**, 4825 NW 41st Street, Suite 500, Riverside, MO 64150, Mahanoy and Ryan Townships, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District. To construct and maintain the following water obstructions and encroachments associated with the construction of the Mahanoy Business Park development:

- 1) A wetland fill impacting 0.04 acre of isolated, PEM wetlands for the purpose of constructing a 1,100,000 sqft warehouse building.
- 2) A wetland fill impacting 0.48 acre of isolated, PEM wetlands for the purpose of constructing a 1,100,000 sqft warehouse building and associated parking lot.
- 3) A wetland fill impacting 0.15 acre of isolated, PEM wetlands for the purpose of constructing an 860,000 sqft warehouse building and associated parking lot.
- 4) A stream enclosure of a UNT to Hosensock Creek (CWF, MF) consisting of a 405-LF, 48-inch diameter concrete pipe having concrete wingwalls, an R-8 riprap apron, and 6-inch invert depression.
- 5) A stream enclosure of a UNT to Hosensock Creek (CWF, MF) consisting of a 370-LF, 48-inch diameter concrete pipe having concrete wingwalls, an R-8 riprap apron, and 6-inch invert depression.
- 6) A stormwater outfall to a UNT to Hosensock Creek (CWF, MF) consisting of a 24-inch diameter SLCPP, concrete endwall, and R-5 riprap apron.
- 7) A stormwater outfall in the floodway of a UNT to Hosensock Creek (CWF, MF) consisting of an 18-inch diameter SLCPP, concrete endwall, and R-5 riprap apron.
- 8) A wastewater outfall to a UNT to Codorus Creek (CWF, MF) consisting of an 8-inch diameter PVC pipe, concrete endwall, and R-5 riprap apron. The project is

located approximately 0.6 mile east of the intersection of Burma Road (S.R. 1006) and I-81 (Delano, PA Quadrangle Latitude: 40° 48' 15.31" Longitude: -76° 6' 14.43") in Mahanoy and Ryan Township, Schuylkill County.

**E58-324. Choconut Township**, 26499 State Route 267, Freindsville, PA 18818, Choconut Township, **Susquehanna County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Choconut Creek (WWF, MF) consisting of a pre-cast concrete arch structure having a span of 32-foot and an underclearance of 9.8-foot. The project also includes the installation of approx. 75 l.f. of pre-cast retaining wall along Hurley Brook immediately adjacent to the arch structure along Carmalt Road (T-695).

The project is located along Carmalt Road (T695) at the intersection with S.R. 0267 (Laurel Lake, PA Quadrangle, Latitude: 41° 55' 55.6" N; Longitude: -75° 59' 39.4"W) in Choconut Township, Susquehanna County.

**E6602219-001. David Earl Enterprises, LLC**, 20 Wright Road, Monroe Township, PA 18657, in Monroe Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing 46-inch diameter, 40-LF steel culvert pipe crossing of an Unnamed Tributary to Leonards Creek (HQ-CWF, MF) and to construct and maintain a 48-inch diameter, 73-LF SLCPP culvert, concrete catch basin, and concrete wingwalls for the purpose of constructing an entrance drive and parking lot associated with a proposed convenience store. The project is located 0.1 mile northwest of the intersection of S.R. 309 and T-2002 (Graveyard Hill Road) (Noxen, PA Quadrangle Latitude: 41° 24' 51"; Longitude: -76° 00' 07") in Monroe Township, Wyoming County.

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

**E62-439, City of Warren**, 318 West Third Avenue, Warren, PA 16365. Third Avenue Bridge Gravel Bar Removal, in City of Warren, **Warren County**, ACOE Pittsburgh District (Pittsburgh, PA Quadrangle N: 41.84775°; W: 79.140881°).

To remove accumulated gravel and debris from a gravel bar within Conewango Creek at the Third Avenue Bridge in Warren, PA. The gravel bar is approximately 1.08 acre in size, and material will be removed down to six inches above water level. Project includes a temporary crossing of a portion of Conewango Creek to access the gravel bar.

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

**E5929-088: SWEPI LP**, 150 N. Dairy Ashford, E1296-E, Houston, TX 77079, Charleston Township, **Tioga County**, ACOE Baltimore District.

The removal of a well pad and access road impacting 11,125 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41° 46' 55"N, 77° 13' 29"W). The impacts are a result from the previous well pad owner constructing the pad over the emergent wetland in Charleston Township, Tioga County. Along with the restoration of the 11,125 square feet (0.26 acre) of wetlands on-site, the permittee will provide 22,250 square feet (0.52 acre) of off-site compensatory mitigation at the Butters Mitigation Site (Blossburg, PA Quadrangle 41° 44' 55"N, 77° 03' 16"W).

## 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.

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0090786 (Sewage)	Hempfield Park STP 124 Park & Pool Road New Stanton, PA 15672	Westmoreland County Hempfield Township	Unnamed Tributary to Brush Creek (TSF) (19-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239399 (Sewage)	Craig V & Julie K King SRSTP 2552 Mercer Butler Pike Grove City, PA 16127-3722	Mercer County Liberty Township	Unnamed Tributary of Black Run (CWF) (20-C)	Yes
PA0101974 (Sewage)	Gaslight Campground 6297 Emlenton Clintonville Road Emlenton, PA 16373-7419	Venango County Scrubgrass Township	Unnamed Tributary to Allegheny River (CWF (existing use)) (16-G)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221945 (Sewage)	Eagle Crest Manor MHP 6761 Mercer Pike Meadville, PA 16335-5667	Crawford County Union Township	Conneaut Outlet (WWF) (16-D)	Yes
PA0025607 (Sewage)	Barkeyville Sewer WWTP P.O. Box 941 Oil City, PA 16301-0941	Venango County Barkeyville Borough	North Branch Slippery Rock Creek (CWF) (20-C)	Yes

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

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

**NPDES Permit No. PA0255351**, Industrial, SIC Code 5999, **The Home City Ice Company**, 3399 Industrial Boulevard, Bethel Park, PA 15102.

This proposed facility is located in Bethel Park Borough, **Allegheny County**.

Description of Proposed Action/Activity: The application is for a new NPDES permit for a new discharge of the overflow of potable water used in the manufacturing of ice and condensate from a condenser unit.

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

**NPDES Permit No. PA0271896**, Sewage, SIC Code 4952, 8800, **James McLusky**, 718 Greenfield Road, Mercer, PA 16137.

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

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

**NPDES Permit No. PA0271918**, Sewage, SIC Code 8800, **Joseph Balter**, 845 Samick Drive, Erie, PA 16509.

This proposed facility is located in Summit Township, **Erie County**.

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

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## III. WQM Industrial Waste and Sewerage Actions Under the Clean Streams Law.

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

**WQM Permit No. 6571417 A-6**, Sewage, SIC Code 4952, **Kiski Valley Water Pollution Control Authority**, 1361 School Road, Leechburg, PA 15656-4904.

This existing facility is located in Allegheny Township, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposes to make multiple upgrades to the existing Vandergrift Pump Station.

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

**WQM Permit No. 2092403 A-3**, Sewage, **North & South Shenango Township Joint Municipal Authority Crawford County**, 3104 Water Trail Drive, Jamestown, PA 16134-4403.

This existing facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: Addition of dechlorination system to wastewater treatment plant.

**WQM Permit No. 4318414**, Sewage, **James McLusky**, 718 Greenfield Road, Mercer, PA 16137.

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

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 2518416**, Sewage, **Joseph Balter**, 845 Samick Drive, Erie, PA 16509.

This proposed facility is located in Summit Township, **Erie County**.

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

**WQM Permit No. 2018406**, Sewage, **Vernon Township Sanitary Authority Crawford County**, 1320 Park Avenue, Meadville, PA 16335-3114.

This proposed facility is located in Meadville City, **Crawford County**.

Description of Proposed Action/Activity: Replacement of Roche Park pump stations and force main.

**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.*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450062	Gardner Gas Inc. 500 N. Poplar Street Berwick, PA 18603	Monroe	Chestnuthill Township	Poplar Creek (EV, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD010006 Issued	Kevin Kauffman 160 Hoffman Road York Springs, PA 17372	Adams	Latimore Township	UNT Latimore Creek (CWF, MF) EV Wetlands
PAD380005 Issued	The Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Lebanon Dauphin	South Londonderry Township Conewago Township	UNT Conewago Creek (TSF, MF) EV Wetlands
PAD360043 Issued	S&A Kreider and Sons, Inc. 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD650009-1	Westmoreland County Industrial Development Corporation 40 North Pennsylvania Avenue Greensburg, PA 15601	Westmoreland County	City of Jeannette	Brush Creek (TSF)
PAD650012	Elliott Company 901 North Fourth Street Jeannette, PA 15644			
	Franklin Regional School District 3210 School Road Murrysville, PA 15668	Westmoreland County	Municipality of Monroeville	Haymaker Run (HQ-CWF); UNT to Pearson Run (HQ-CWF)

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

*Venango County Conservation District, 1793 Cherrytree Road, Franklin, PA 16323, 814-676-2832.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD610002	National Fuel Gas Distribution Corp 1100 State Street Erie, PA 16501	Venango	Cranberry Township	Sage Run CWF, UNTs to Sage Run CWF, UNTs to Allegheny River CWF, Halls Run CWF, UNTs to Halls Run CWF

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities

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

*General Permit Type—PAG-02*

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC540068	Phillip Joswick 44 Ricks Rd New Ringgold, PA 17960	Schuylkill	E Brunswick Twp	Keenigs Creek (CWF, MF)

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

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC050032	American Trailer Company, LLC 5085 Business 220 Bedford, PA 15522	UNT Dunning Creek (WWF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC210111	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050-3212	UNT Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210105	Aldi, Inc. 8751 Gas House Pike Frederick, MD 21701-4793	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC360158	Yarrum, LP P.O. Box 332 Lemoyne, PA 17043	UNT Conewago Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Earl Township Lancaster County Issued	PAC360275	Bobby Rahal Automotive Group 6715 Carlisle Pike Mechanicsburg, PA 17050	Cocalico Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Donegal Township Lancaster County Issued	PAC360327	Doug Lamb 1180 Zeager Road Elizabethtown, PA 17022	UNT Conewago Creek (TSF, MF) Conewago Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Donegal Township Lancaster County Issued	PAC360271	DAS Companies, Inc. 724 Lawn Road Palmyra, PA 17078-8379	UNT Conewago Creek (TSF, MF) UNT Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Hempfield Township Lancaster County Issued	PAC360385	David Costello P.O. Box 95 East Petersburg, PA 17520	UNT Swarr Run (CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Hempfield Township Lancaster County Issued	PAC360391	DDP Enterprises, LP 3995 Continental Drive Columbia, PA 17512	Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Penn Township Lancaster County Issued	PAC360371	Ron Rohrer 1814 Airy Hill Road Manheim, PA 17545	UNT Chiques Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Lancaster City Lancaster County Issued	PAC360201	Sheetz Inc. 5700 Sixth Avenue Altoona, PA 16602	Stauffer Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Brecknock Township Lancaster County Issued	PAC360388	Delmar Martin 119 Furlow Road Reinholds, PA 17569	UNT Muddy Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Manor Township Lancaster County Issued	PAC360389	Jason Stevens 232 Oak Road Conestoga, PA 17516	UNT Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Earl Township Lancaster County Issued	PAC360349	Nathan Lapp 1060 Sheep Hill Road New Holland, PA 17557	UNT Mill Creek (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Rapho Township Lancaster County Issued	PAC360386	Mazza Vineyards 2775 Lebanon Road Manheim, PA 17545	Chiques Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Manchester Township York County Issued	PAC670138	KCH Holdings, Inc. 214A Willow Valley Lakes Drive Willow Street, PA 17548	Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Glade Township Warren County	PAC620006	Warren County School District Dr. Norbert Kennerknect 6820 Market Street Russell, PA 16345	Indian Hollow Run CWF	Warren County Conservation District 4000 Conewago Ave Warren, PA 16365 814-726-1441
Neshannock Township Lawrence County	PAC370029	Western Central Pennsylvania Electricians Joint Apprenticeship and Training Committee 217 Sassafras Lane Beaver, PA 15009	UNT to Shenango River WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
White Township Indiana County	PAC320029	Indiana County Development Corporation 801 Water Street Indiana, PA 15701	Cherry Run	Indiana County Conservation District 350 North 4th Street Indiana, PA 15701 724-471-4751

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fairview Township Erie County	PAC250076	J. Thomas Tree Service P.O. Box 9367 Erie, PA 16505	UNT Lake Erie CWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
North East Boro Erie County	PAC250075	Mr. David Thornton P.O. Box 569 10850 West Main Street North East, PA 16428	UNT Sixteen- Mile Creek WWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Harborcreek Township Erie County	PAC250064	Grace Baptist Church of Erie 7300 Grubb Road Erie, PA 16506	UNT Four-Mile Creek WWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Harborcreek Township Erie County	PAC250068	The Pennsylvania State University 139J Physical Plan Building University Park, PA 16802	Four-Mile Creek WWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
New Castle City Lawrence County	PAC370028	New Castle (Croton) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Neshannock Creek TSF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Adams Township Butler County	PAC100131	TC Recycling Inc P.O. Box 1080 Mars, PA 16046	Breakneck Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Adams Township Butler County	PAC100117	Adams Township 690 Valencia Road Mars, PA 16046	UNT to Breakneck Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Adams Township Butler County	PAC100133	Jennifer Bennett 432 Spring Street Extension Mars, PA 16046	UNTs to Glade Run WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Erie City Erie County	PAG038373	Rehrig Pacific Co. 1738 W 20 Street Erie, PA 16502-2116	Unnamed Tributary to West Branch Cascade Creek (WWF, MF)—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*Facility Location:  
Municipality &  
County*

Lower Mt Bethel  
Township  
Northampton County

*Permit No.*

PAG 08 0002  
PAG 08 2203  
PAG 08 3504  
PAG 08 9903  
PAG 08 3522  
PAG 08 2224  
PAG 08 3547  
PAG 08 0016  
PAG 08 3518  
PAG 08 3825  
PAG 08 0007  
PAG 08 3515  
PAG 08 2219  
PAG 08 3565  
PAG 07 3508  
PAG 08 3610  
PAG 08 9904  
PAG 08 3540  
PAG 08 0022  
PAG 08 3568  
PAG 08 3596  
PAG 08 3597  
PAG 08 3556  
PAG 08 3605  
WMGR 099  
PAG 08 3535  
PAG 08 9905  
PAG 08 3510  
PAG 08 0011  
PAG 08 2211  
PAG 08 3551  
PAG 08 3573  
PAG 08 3600  
PAG 08 3611  
PAG 08 3506  
PAG 07 0003  
PAG 08 0004  
PAG 08 0003  
PAG 08 0005  
PAG 08 3615  
PAG 08 3581  
PAG 08 2223  
PAG 08 3567  
PAG 08 9909  
PAG 08 0021  
PAGBIG 9903  
PAG 08 0006  
PAG 08 0008  
PAG 07 0005  
PAG 08 0023  
PAG 08 0018  
PAG 08 9601  
PAG 08 3614  
PAG 08 3501

*Applicant Name & Address*

Synagro  
P.O. Box B  
1605 Dooley Road  
Whiteford, MD 21160

*Site Name &  
Location*

Wilmer Miller Farm  
4400 Miller Road

*Contact Office &  
Phone No.*

Northeast Regional  
Office  
2 Public Square  
Wilkes-Barre, PA  
18701  
570-826-2511

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

Center Township  
Indiana County

*Permit No.*

PAG108337

*Applicant Name & Address*

Mountain Gathering LLC  
110 W 7th Street  
Floor 4  
Fort Worth, TX 76102-7018

*Receiving  
Water/Use*

Cherry Run  
(CWF)—18-D

*Contact Office &  
Phone No.*

DEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814.332.6942

*Facility Location:  
Municipality &  
County*

Center Township  
Indiana County

*Permit No.*

PAG108338

*Applicant Name & Address*

Mountain Gathering LLC  
110 W 7th Street  
Floor 4  
Fort Worth, TX 76102-7018

*Receiving  
Water/Use*

Unnamed Tributary  
of Aultmans Run  
(TSF)—18-D

*Contact Office &  
Phone No.*

DEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814.332.6942

*General Permit Type—PAG-13*

*Facility Location:  
Municipality &  
County*

West Rockhill  
Township  
Bucks County

*Permit No.*

PAG130046

*Applicant Name & Address*

West Rockhill Township  
1028 Ridge Road  
Sellersville, PA 18960-1346

*Receiving  
Water/Use*

East Branch  
Perkiomen Creek  
(TSF, MF) 3-E

*Contact Office &  
Phone No.*

DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970

**STATE CONSERVATION COMMISSION**

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Mike Buckwalter 350 Rock Point Rd Marietta, PA 17547	Lancaster	255.2	491.48	Swine/Beef	NA	A
Clark Crest Dairy Farm Ron Clark 754 Solanco Rd. Quarryville, PA 17566	Lancaster	195.9	1,050.75	Dairy	HQ	A
Hidden Springs Farms Randall Clugston 2816 Safe Harbor Rd Millersville, PA 17551	Lancaster	87	376.68	Layers/Sheep	NA	A

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 2218509**, Public Water Supply.

Applicant	<b>Pine Manor LLC</b>
Municipality	Londonderry Township
County	<b>Dauphin</b>
Responsible Official	Frank T. Perano General Manager P.O. Box 677 Morgantown, PA 19543 0677
Type of Facility	Installation of a refurbished 12,000-gallon standpipe and a booster pump station.
Consulting Engineer	James A. Cieri Sr, P.E. James A. Cieri Professional Engineer LLC 914 N Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	4/5/2019

**Permit No. 0618528 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Bally Investors</b>
Municipality	Washington Township

County	<b>Berks</b>
Responsible Official	Michael Pawlowsky, Partner P.O. Box 620 Bala Cynwyd, PA 19004
Type of Facility	Bally Investors has submitted a PWS permit application for the approval to install a sodium hypochlorite disinfection system and contact piping in order to provide 4-log treatment of viruses at Entry Point 101 (Well No. 1).
Consulting Engineer	Harry E. Garman, P.E. Barry Isett & Associates, Inc. 85 South Route 100 Allentown, PA 18106
Permit to Construct Issued	4/3/2019
<b>Permit No. 3619501</b>	Public Water Supply.
Applicant	<b>Faith Outreach Center</b>
Municipality	East Donegal Township
County	<b>Lancaster</b>
Responsible Official	Andy Hoover, Senior Pastor 475 Anderson Ferry Road Mount Joy, PA 17552
Type of Facility	Installation of sodium hypochlorite disinfection system and contact tanks to provide GWR 4-log treatment of viruses and permitting of an existing nitrate removal system.
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	3/22/2019
<b>Permit No. 5019502</b>	Public Water Supply.
Applicant	<b>West Perry School District</b>
Municipality	Spring Township
County	<b>Perry</b>
Responsible Official	Ed Burns, Interim Superintendent of Schools 2606 Shermans Valley Road Elliottsburg, PA 17024
Type of Facility	Replacement of well pumps and installation of softening and chlorine contact tanks.
Consulting Engineer	John Gunning, P.E. McClure Company Inc 4101 North Sixth Street Harrisburg, PA 17110-1610
Permit to Construct Issued	4/2/2019

**Operation Permit No. 0616512** issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Ontelaunee Township, **Berks County** on 4/4/2019 for facilities approved under Construction Permit No. 0616512.

**Comprehensive Operation Permit No. 3060059** issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Reading, **Berks County** on 4/5/2019 for the operation of facilities approved under Construction Permit No. 0616515.

**Operation Permit No. 0619502 MA** issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Reading, **Berks County** on 4/2/2019 for facilities approved under Construction Permit No. 0619502 MA.

**Operation Permit No. 2119502 MA** issued to: **State Correctional Institution at Camp Hill (PWS ID No. 7210046)**, Lower Allen Township, **Cumberland County** on 4/2/2019 for facilities approved under Construction Permit No. 2119502 MA.

**Transferred Comprehensive Operation Permit No. 7210061** issued to: **CM Estates Management, LLC (PWS ID No. 7210061)**, Lower Mifflin Township, **Cumberland County** on 4/2/2019. Action is for a Change in Ownership for Conodoguinet Mobile Estates, Cumberland County for the operation of facilities previously issued to John Walter.

**Transferred Comprehensive Operation Permit No. 7380051** issued to: **H4 Homes, LLC (PWS ID No. 7380051)**, East Hanover Township, **Lebanon County** on 4/5/2019. Action is for a Change in Ownership for O'Yes Apartments, Lebanon County for the operation of facilities previously issued to Ono Industries.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. MA—GWR—Construction & Operation—Public Water Supply.**

Applicant	<b>Woodward Cave &amp; Campground</b>
Township/Borough	Haines Township
County	<b>Centre County</b>
Responsible Official	Mr. Jason Bierly Woodward Cave & Campground P.O. Box 175 Woodward, PA 16882
Type of Facility	Public Water Supply— Construction & Operation
Consulting Engineer	Mr. Patrick J. Ward Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued	April 1, 2019
Description of Action	Authorizes 4-log inactivation of viruses for Well No. 1 (Entry Point 100) at Woodward Cave & Campground, including an existing 20-gpm well pump, pressure tank, flow meter, sodium hypochlorite disinfection, three 125-gallon detention tanks connected in series, distribution system, and new contact piping (24 feet of 1.25-inch diameter and 60 feet of 12-inch diameter PVC piping).

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

**Permit No. 363W12-MA2**, Public Water Supply.

Applicant	<b>Sugarcreek Water Company</b>
Township or Borough	Sugarcreek Borough
County	<b>Venango</b>
Type of Facility	Public Water Supply
Consulting Engineer	Steven Halmi, P.E. Deiss & Halmi Engineering 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	April 5, 2019

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 55-432C**, Water Allocations. **McClure Municipal Authority**, P.O. Box 138, McClure, PA 17841, West Beaver Township, **Snyder County**. Water Allocation Permit granting McClure Municipal Authority the right to withdraw up to a maximum of 90,000 gallons per day, when available, from an existing intake on an unnamed spring fed tributary to South Branch Middle Creek in West Beaver Township, Snyder County.

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

**WA 10-647E**, Water Allocations. **Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066, Cranberry Township, **Butler County**. The right to purchase 4,400,000 gallons per day from the Municipal Authority of the borough of West View.

#### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

##### Notice of Proposed Settlement Under HSCA/CERCLA

##### ICI Americas, West Goshen Township, Chester County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. §§ 6020.101 et seq., the Clean Streams Law, 35 P.S. §§ 691.1 et seq., and Section 1917-A of Administrative Code, 71 P.S. § 510-17, has entered into a proposed Consent Order and Agreement with ICI Americas Inc. regarding remediation of a certain property located at 310 Turner Lane, West Chester, PA 19380 (Site).

The Site was formerly operated by a predecessor to ICI Americas, Inc. which manufactured polytetrafluoroethylene products under the Tetraloy trademark. The manufacturing process required the use of trichloroethylene (TCE). Various environmental investigations of the Site have demonstrated the existence of historic volatile organic compound (VOC) contamination in soils and groundwater at the Site.

Under the terms and conditions of the Consent Order and Agreement, ICI Americas, Inc. will enter the Site into the Department's Act 2 Cleanup Program. Specifically, ICI Americas, Inc. will submit a Notice of Intent to Remediate the existing contamination, conduct further characterization of the extent of such contamination, and follow the procedures and requirements provided in Chapter 250 of the Department's regulations to demonstrate attainment of one of the cleanup standards set forth in Act 2. Unless the Department extends the deadlines in writing, ICI America's will demonstrate attainment of an Act 2 cleanup standard for soils and groundwater within the time frame set forth in an implementation schedule approved by the Department.

This notice is provided pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113. The Consent Order and Agreement may be examined from 8 AM to 4 PM at the Department's offices at 2 East Main Street, Norristown, PA by contacting either Josh Crooks at 484-250-5784 or Anderson Lee Hartzell at 484-250-5866. A public comment period on the Consent Order and Agreement will extend for a period of 60 days from the date of this notice. Interested persons may submit written comments regarding the Consent Order and Agreement to the Department by submitting them to Josh Crooks by email at jcrooks@pa.gov or at the above address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of

receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Teddy Trucking Diesel Spill**, 0 North Biddle Street, Gordon Borough, **Schuylkill County**. Taylor Geo-Services, 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Teddy Trucking, 13805 Scott Street, Burnsville, MN 55337, submitted a final report concerning remediation of site soil contaminated with diesel fuel, motor oil and engine fluids from a truck accident. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Wilkes University-University Towers**, 10 East South Street, Wilkes-Barre City, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Wilkes University, 84 West South Street, Wilkes-Barre, PA 18766, submitted a Final Report concerning remediation of a release of heating oil to soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Schuylkill Mall-Former Sears Auto Center**, 830 Schuylkill Mall Road, New Castle Township, **Schuylkill County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of NorthPoint Development LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, MTBE, naphthalene, 1,2,4-trimethyl benzene, 1,3,5-trimethyl benzene, trichloroethene, dichloroethene, and vinyl chloride from historic automotive parts cleaning. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

**Hakes Grocery Store**, 898 East Canal Road, Dover, PA 17315, Conewago Township, **York County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of the Estate of Esther M. Hake, c/o Douglas P. France, Esq., 2675 Eastern Boulevard, York, PA 17402, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific and Nonresidential Statewide Health Standards.

## 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 Stan-



dards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Allegheny Veterinary Hospital**, 110 North Jefferson Street, Mt. Union, PA 17066, Borough of Mt. Union, **Huntingdon County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823 on behalf of Allegheny Veterinary Hospital, 110 North Jefferson Street, Mt. Union, PA 17066, submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 8, 2019.

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

**Choconut Valley Elementary School**, 4458 Stanley Lake Road, Choconut Township, **Susquehanna County**.

Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Montrose Area School District, 273 Meteor Way, Montrose, PA 18801, submitted a combined Remedial Investigation Report and Final Report concerning remediation concerning remediation of site soil and groundwater contaminated with gasoline from an underground storage tank. The report documented remediation of the site to meet a combination of Site-Specific and Statewide Health Standards and was approved by DEP on April 5, 2019.

**Former Mack Truck Assembly Plant 5A**, South 12th Street, City of Allentown, **Lehigh County**. Brinkerhoff Environmental Services Inc., 1805 Atlantic Avenue, Manasquan, NJ 08736, on behalf of Mack Trucks Inc., 7900 National Service Road, Greensboro, NC 27409, submitted a final report concerning remediation of site soils contaminated with metals due to historic use at the site. The report documented remediation of the site to meet Site-Specific Standards and was approved by DEP on April 8, 2019.

**Duffe Property**, 118 Lakeshore Drive, New Milford Township, **Susquehanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Duffe's Lakeshore LLC, 118 Lakeshore Drive, New Milford, PA 18834, submitted a final report concerning remediation of site soil and groundwater contaminated with 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 April 8, 2019.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Issued*

**Spectrum Industrial Services, Inc.**, 85 Spectrum Cove, Alabaster, AL 35007. License No. PA-AH 0884. Effective Mar 27, 2019.

*New Applications Received*

**Spectrum Industrial Services, Inc.**, 85 Spectrum Cove, Alabaster, AL 35007. License No. PA-AH 0884. Effective Mar 27, 2019.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Regulated Medical and Chemotherapeutic Waste Transporter Issued*

**Medxwaste-NY LLC, dba Red Bags**, 1014 Grand Blvd, Deer Park, NY 11729. License No. PA-HC 0277. Effective Mar 29, 2019.

**NEIE Medical Waste Services, LLC**, 3100 New Kent Highway, Quinton, VA 23141. License No. PA-HC 0279. Effective Apr 09, 2019.

*New Applications Received*

**Medxwaste-NY LLC, dba Red Bags**, 1014 Grand Blvd, Deer Park, NY 11729. License No. PA-HC 0277. Effective Mar 29, 2019.

**NEIE Medical Waste Services, LLC**, 3100 New Kent Highway, Quinton, VA 23141. License No. PA-HC 0279. Effective Apr 09, 2019.

**REGISTRATION FOR RESIDUAL WASTE  
GENERAL PERMITS**

**Renewal of a Registration issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit No. WMGR025SC002. Columbia Borough**, 254 Blue Lane, Columbia, PA 17512 in Columbia Borough, **Lancaster County**. The Department of Environmental Protection has issued the renewal of a registration under General Permit WMGR025 to Columbia Borough. This general permit authorizes the composting and beneficial use of the following categories of source-separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcass, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed cardboard, virgin paper mill sludge and spent mushroom substrate. This registration was issued on April 5, 2019.

Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**DETERMINATION OF APPLICABILITY FOR  
RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit No. WMGR046SE001. Hyponex Corp**, 944 Newark Road, Avondale, PA 19311-1133. This permit is to renew the determination of applicability (DOA) coverage to continue operation under General Permit No. WMGR046SE001 at the Scotts Company-Oxford facility for processing and beneficial use of water treatment plant sediment, bark ash, agricultural residues, food processing slugs, cardboard and paper waste, and waste sand as ingredients into peat moss and mulch to be used as gardening products. The Scotts Company-Oxford facility is located at 311 Reedville Road in Lower Oxford Township, **Chester County**. The application of determination of applicability was issued by the Southeast Regional Office on March 21, 2019.

Persons interested in reviewing the permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP1-46-0256: Accupac, Inc.** (1501 Industrial Boulevard, Mainland, PA 19451) On April 2, 2019, for a natural gas fired combustion unit (one unit, rated 16 MMBtu/hr) located in Towamencin Township, **Montgomery County**.

**GP1-46-0257: Clemens Food Group** (P.O. Box 902, 2700 Clemens Rd., Hatfield, PA 19440) On April 2, 2019, for three (3) Small Gas and No. 2 Oil Fired Combustion Units located in Hatfield Township, **Montgomery County**.

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

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

**GP5-20-300D: L&B Energy LLP, Foulk Compressor Station** (918 Diamond Park, Meadville, PA 16335) on April 1, 2019, for a change of ownership and the authority to operate a 276 bhp 4-stroke rich burn (4SRB) natural gas-fired compressor engine, 1 MMSCF/d capacity glycol dehydrator & reboiler, 4,200 gal capacity produced water storage tank, truck loading operations, and associated fugitive emissions. (BAQ-GPS/GP5) located at their facility in Beaver Township, **Crawford 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.**

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

**23-00001: Sunoco LLC, Marcus Hook Refinery** (100 Green Street, Marcus Hook, PA 19061) On April 2, 2019, for the renewal of a Title V Operating Permit for the operation of a gasoline blending plant in Marcus Hook Borough, **Delaware County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

**06-05112D: WBLF Acquisition Co. LLC—Western Berks Landfill** (455 Poplar Neck Road, Birdsboro, PA 19508) on April 4, 2019, for the installation of an on-site landfill gas (LFG) to energy plant at their municipal waste landfill in Cumru Township, **Berks County**. The energy plant will consist of a gas treatment system, three (3) 1,148 bHP (856 kW) Caterpillar C3516 LE engines and one (1) 500 scfm candlestick flare. The plan approval was extended.

**67-05005H: Brunner Island LLC** (P.O. Box 221, York Haven, PA 17370) on April 4, 2019, for the addition of natural gas as a fuel firing option for the three existing utility boilers (Source IDs 031A, 032 and 033A) and their associated coal mill heaters that will involve the tying in of a natural gas pipeline (Source ID 301), as well as the construction of two natural gas-fired pipeline heaters (Source ID 050) at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The plan approval was extended.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

**09-0196H: Abington Reldan Metals LLC** (550 Old Bordentown Rd., Fairless Hills, PA 19030-4510) On April 2, 2019, for the installation and operation of one unit of Melt Furnace and associated dry lime injection system located in Falls Township, **Bucks County**.

**15-0041C: Eastern Shore Natural Gas Co.** (500 Energy Ln., Ste. 200, Dover, DE 19901) On April 2, 2019, to allow adequate time to complete the review of the testing report for a new 3,750-hp natural gas-fired RICE for the new COMP-5 compressor unit equipped with an oxidation catalyst pollution control system located in Londonderry Township, **Chester County**.

**15-0041D: Eastern Shore Natural Gas Co.** (500 Energy Ln., Ste. 200, Dover, DE 19901) On April 2, 2019, for the installation of a new natural gas-fired reciprocating internal combustion engine for a standby emergency generator located in Londonderry Township, **Chester County**.

**46-0013F: Clemens Food Group** (P.O. Box 902, 2700 Clemens Rd., Hatfield, PA 19440-0902) On April 2, 2019, for the removal and replacement of an existing venturi scrubber and the installation of new venturi scrubber and

packed tower scrubber at the Rendering Plant located in Hatfield Township, **Montgomery County**.

**46-0005AS: Merck Sharp & Dohme Corp.** (770 Sumneytown Pike, P.O. Box 4, WP20-205, West Point, PA 19486-8000) On April 4, 2019, for an extension to construct and install a 4-stroke lean burn natural gas-fired generator set to provide emergency back-up power to building 38 located in Upper Gwynedd Township, **Montgomery County**.

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

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

**08-00001A: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, Houston, TX 77002) was issued an extended authorization for additional 180 days to allow continued operation of the emergency generator engine pending issuance of an operating permit. The source is located at their Station 319 facility in Wyalusing Township, **Bradford County**. The plan approval has been extended from March 28, 2019 to September 24, 2019.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

**15-00029: Pactiv Packaging, Inc.** (241 Woodbine Rd, Downingtown, PA 19335) On April 2, 2019, for a renewal of the State Only Operating Permit for the operation of their printing and paperboard assembly facility in Downingtown Borough, **Chester County**.

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

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

**40-00048: Haines and Kibblehouse, Inc.—Pikes Creek Quarry** (528 Trojan Road, Hunlock Creek, PA 18621-4207). On April 4, 2019 the Department issued a renewal State-Only Natural Minor Permit for the Pikes Creek Quarry located in Lehman Township, **Luzerne County**. This facility operates a rock crushing plant. The sources are considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

**36-05120: Nesso Enterprise LLC** (124 Earland Drive, New Holland, PA 17557-1503) on April 1, 2019, for

the kitchen cabinet manufacturing facility located in East Earl Township, **Lancaster County**. The State-only permit was renewed.

**06-05083: Williams Metal Finishing, Inc.** (870 Commerce Street, Reading, PA 19608-1347) on March 27, 2019, for the metal polishing and cleaning facility located in Sinking Spring Borough, **Berks County**. The State-only permit was renewed.

**36-05106: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557-1515) on April 1, 2019, for the kitchen cabinet manufacturing facility located in East Earl Township, **Lancaster County**. The State-only permit was renewed.

**06-03004: Metropolitan Edison Co.** (76 South Main Street, Akron, OH 44308) on April 4, 2019, for the emergency generators at the facility located in Muhlenberg Township, **Berks County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**SOOP-65-00629: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) State Only Operating Permit renewal issued on April 4, 2019, for 5-year term for the continued operation of beverage production rated at 12,554 gal/hr. The emission sources contain grain handling; brewing; batching; packaging; and ancillary combustion-related activities and are located at the Latrobe Brewery in Latrobe Borough, **Westmoreland County**.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**25-01006: Lake Erie Biofuels, LLC DBA Hero BX** (1540 E Lake Rd., Erie, PA 16511-1032). On April 3, 2019, the Department issued the renewal State Only Natural Minor Operating Permit for the biofuels production facility located in the City of Erie, **Erie County**. The facility's primary emission sources include the two (2) natural gas-fired process steam boilers, the biodiesel production process, storage tanks, a high-pressure steam generator for the fatty acid stripper, a parts washer, an emergency generator, and an emergency fire pump. The potential emissions of the primary pollutants from the facility are as follows: 14.55 TPY (tons per year) NO<sub>x</sub>, 27.30 TPY CO, 6.03 TPY VOC, 3.91 TPY total HAPs, 1.60 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.55 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The boilers are subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The biodiesel production process is subject to 40 CFR 60 Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry (SOCMI), 40 CFR 60 Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from SOCMI Distillation Operations, and 40 CFR 60 Subpart RRR, Standards of Performance for VOC Emissions from SOCMI Reactor Processes. The storage tanks are subject to 40 CFR 60 Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The two diesel-fired engines are subject to 40 CFR

60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**10-00037: Sonneborn LLC** (100 Sonneborn Lane, Petrolia, PA 16050). On April 2, 2019, the Department issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility located in Petrolia Borough, **Butler County**.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215.685.9476.*

**OP18-000048: Episcopal Hospital** (100 East Lehigh Avenue, Philadelphia, PA 19125) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 475 HP boilers firing No. 6 Fuel Oil and natural gas, two (2) 563 kW emergency generators firing diesel, one 187 kW emergency generator firing diesel, one 134 kW emergency generator firing diesel, and one 19 kW generator firing natural gas.

**OP18-000039: South Eastern Pennsylvania Transportation Authority**, Berridge/Courtland Maintenance Shop (200 West Wyoming Avenue, Philadelphia, PA 19140) for the operation of a public transportation facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: two each 10.043 MMBtu/hr Boilers; two each 5.021 MMBtu/hr Boilers; one 2.95 MMBtu/hr heater; one 3.95 MMBtu/hr heater; one 0.5 MMBtu/hr hot water heater; five each < 0.72 MMBtu/hr pressure washers; three each 0.82 MMBtu/hr steam washers; two < 0.63 MMBtu/hr space heaters; one 0.5 MMBtu/hr and one 1 MMBtu/hr Catalyst Regeneration Units; four each 0.305 MMBtu/hr unit heaters; twenty-seven solvent parts washers; three spray booths; two stage 2 vapor recovery units; two non-heatset printing presses; one 200 kW and one 561 kW emergency generator; two cyclone vacuums, and 258 kW two-engine dynamometers.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-03069: H & H Castings, Inc.** (4300 Lincoln Highway, York, PA 17406). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for de minimis emission increases of 0.32 tpy of NO<sub>x</sub>; 0.27 tpy of CO; 0.024 tpy of PM/PM<sub>10</sub>/PM<sub>2.5</sub>; 0.017 tpy of VOC;

0.0060 tpy of HAPs; and 0.0019 tpy of SO<sub>2</sub> resulting from the construction of two natural gas fired core machines designed for the automatic production of shell and hotbox casting cores at the facility located in Hellam Township, **York County**. The total combined heat input rating of the burners in each core machine is 371,000 Btu/hr. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### Coal Permits Issued

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

**Permit No. 56890101, Croner, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 163.0 acres. Receiving streams: unnamed tributaries to/ and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 11, 2019. Permit issued: April 3, 2019.

**Permit No. 56090102, PBS Coals, Inc.**, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Somerset Township, **Somerset County**, affecting 83.5 acres. Receiving stream: Wells Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 11, 2019. Permit issued: April 3, 2019.

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

**26130101 and NPDES Permit No. PA0252301. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Franklin Township, **Fayette County**, affecting 55.5 acres. Receiving streams: unnamed tributaries to Bolden Run and unnamed tributary to Bute Run. Application received: December 10, 2018. Renewal permit issued: April 5, 2019.

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

**Permit No. PAM118046. Keystone Anthracite Co., Inc.**, (259 N. Second Street, Girardville, PA 17935),

General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Reilly Minerals Forfeited Surface Mining Permit No. 54980101 in Walker Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: December 11, 2018. Permit issued: April 2, 2019.

**Permit No. 49180201. Susquehanna Coal Company**, (P.O. Box 27, Nanticoke, PA 18634), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 45.5 acres, receiving stream: Coal Run to Shamokin Creek. Application received: March 28, 2018. Permit issued: April 2, 2019.

**Permit No. PAM118014. Susquehanna Coal Company**, (P.O. Box 27, Nanticoke, PA 18634), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49180201 in Coal Township, **Northumberland County**, receiving stream: Coal Run to Shamokin Creek. Application received: March 28, 2018. Permit issued: April 2, 2019.

**Permit No. 54860206C24. Rausch Creek Generation, LLC**, (978 Gap Street, Valley View, PA 17983), correction of an existing anthracite coal refuse reprocessing operation for a name change from Westwood Generation, LLC and to decrease the permitted acreage from 441.4 acres to 367.4 acres, receiving stream: Lower Rausch Creek. Application received: June 29, 2018. Correction issued: April 3, 2019.

**Permit No. 54860206R6. Rausch Creek Generation, LLC**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite coal refuse reprocessing operation in Frailey and Porter Townships affecting 367.4 acres, receiving stream: Lower Rausch Creek. Application received: September 4, 2018. Renewed issued: April 3, 2019.

**Permit No. PAM113060R. Rausch Creek Generation, LLC**, (978 Gap Street, Valley View, PA 17983), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54860206 in Frailey and Porter Townships, **Schuylkill County**, receiving stream: Lower Rausch Creek. Application received: September 4, 2018. Renewed issued: April 3, 2019.

**Permit No. 49110101R. Joseph E. Shingara**, (207 Grively Road, Herndon, PA 17830), renewal of an existing anthracite surface mine operation for reclamation activities only in West Cameron Township, **Northumberland County** affecting 80.0 acres, receiving streams: Mahanoy Creek and Zerbe Run. Application received: December 12, 2017. Renewal issued: April 5, 2019.

**Permit No. PAM111035R. Joseph E. Shingara**, (207 Grively Road, Herndon, PA 17830), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49110101 in West Cameron Township, **Northumberland County**, receiving streams: Mahanoy Creek and Zerbe Run. Application received: November 27, 2017. Renewal issued: April 5, 2019.

**Permit No. 13990201R4. Rossi Excavating Company**, (10 Centtown Road, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 493.0 acres, receiving stream: Beaver Creek. Application received: November 26, 2018. Renewal issued: April 8, 2019.

**Permit No. PAM113074R. Rossi Excavating Company**, (10 Centtown Road, Beaver Meadows, PA 18216), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13990201 in Banks Township, **Carbon County**, receiving stream: Beaver Creek. Application received: November 26, 2018. Renewed issued: April 8, 2019.

*Noncoal Permits Issued*

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

**Permit No. 56070801. Shaffer Brothers Coal Co., Inc.**, 1 Jay Street, Windber, PA 15963, bond release on a small noncoal (industrial minerals) operation in Paint Township, **Somerset County**, affecting 5.0 acres. Receiving stream: Seese Run. Application received: February 19, 2019. Bond release approved: April 1, 2019.

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

**65950401 and NPDES Permit No. PA0201162. R & L Development Company**, 153 Swan Lake Lane, P.O. Box 529, New Alexandria, PA 15670. Transfer of permit formerly issued to Derry International, Ltd. for continued operation and reclamation of a noncoal surface mining site located in Derry and Loyalhanna Townships, **Westmoreland County**, affecting 52.0 acres. Receiving streams: unnamed tributary to Loyalhanna Creek. Application received: July 5, 2018. Transfer Permit Issued: April 5, 2019.

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

**Permit No. PAM112073R. Greater Lebanon Refuse Authority**, (1610 Russell Road, Lebanon, PA 17046), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 38120301 in North Annville Township, **Lebanon County**, receiving stream: Swatara Creek. Application received: January 10, 2019. Renewed issued: April 2, 2019.

**Permit Nos. 64730304C5 & 40000301 and NPDES Permit No. PA0225771. Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), correction to existing quarry operations to include an NPDES Permit for discharge of treated mine drainage in Dennison Township, **Luzerne County** affecting 147.5 acres, receiving stream: unnamed tributary to Wrights Creek. Application received: September 26, 2017. Correction issued: April 3, 2019.

**Permit No. 7774SM1A1C11 and NPDES Permit No. PA0044555. New Enterprise Stone & Lime Co., Inc.**, (3724 Crescent Court West, Whitehall, PA 18052), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County**, receiving stream: unnamed tributary to Limekiln Creek. Application received: February 9, 2018. Renewal issued: April 3, 2019.

**Permit No. 58180804. Matthew E. Noldy**, (6796 SR 267, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to East North Branch Wyalusing Creek. Application received: July 17, 2018. Permit issued: April 3, 2019.

**Permit No. PAM118035. Matthew E. Noldy**, (6796 SR 267, Meshoppen, PA 18630), General NPDES

Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58180804 in Rush Township, **Susquehanna County**, receiving stream: unnamed tributary to East North Branch Wyalusing Creek. Application received: July 17, 2018. Permit issued: April 3, 2019.

**Permit No. 09080301C4 and NPDES Permit No. PA0224642. H & K Group, Inc.**, (P.O. Box 196, Skipack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Hilltown Township, **Bucks County**, receiving stream: unnamed tributary to Morris Run. Application received: September 14, 2018. Renewal issued: April 4, 2019.

**Permit No. PAM118020. Waste Management Disposal Services, Inc.**, (1000 New Ford Mill Road, Morrisville, PA 19067), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 09890302 in Falls Township, **Bucks County**, receiving stream: Delaware River. Application received: March 2, 2017. Permit issued: April 5, 2019.

**Permit No. 39970301T and NPDES Permit No. PA0225908. Holcim (US), Inc.**, (8700 West Bryn Mawr Avenue, Suite 300, Chicago, IL 60631), transfer of an existing quarry operation and an NPDES Permit for discharge of treated mine drainage in Whitehall Township, **Lehigh County** affecting 211.71 acres, receiving streams: Coplay Creek and unnamed tributary to Coplay Creek. Application received: July 24, 2018. Transfer issued: April 8, 2019.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**Permit No. 36194112. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Moore Business Park in Manheim Township, **Lancaster County** with an expiration date of April 2, 2020. Permit issued: April 3, 2019.

**Permit No. 22194103. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Blue Ridge Village in Lower Paxton Township, **Dauphin County** with an expiration date of April 20, 2020. Permit issued: April 4, 2019.

**Permit No. 36194113. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for State Road Commerce Park in East Hempfield Township, **Lancaster County** with an expiration date of April 2, 2020. Permit issued: April 5, 2019.

**Permit No. 45194101. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for 106 Nova Court in Stroud Township, **Monroe County** with an expiration date of April 2, 2020. Permit issued: April 5, 2019.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E11-357, Say-Core, Inc.**, 132 Block Road, Portage, PA 15946, Portage Township, **Cambria County**, Pittsburgh ACOE District.

The following application has been denied:

1. Construct and maintain a 200' section of 60" RCP culvert in Spring Run (CWF).
2. Place and maintain fill in a de minimis amount of wetland (0.015 acre PSS wetland).
3. Relocate and maintain an additional 250' of Spring Run.

For the purpose of providing access to a concrete waste storage area. This project will permanently impact approximately 450 LF of watercourses, and a de minimis amount of wetlands. Mitigation was not proposed in the application. The project is located approximately 670 feet northwest of the intersection of Block Road and Jamestown Road (Ebensburg, PA USGS Topographic Quadrangle; Latitude: 40° 23' 39"; Longitude: -78° 39' 32"; USACE: Pittsburgh District; Sub-basin 18E), In Portage Township, Cambria County.

**E65-994, Franklin Regional School District**, 3210 School Road, Murrysville, PA 15668, Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Place and maintain fill in approximately 0.12 acre of PEM wetland (Wetland W001).
2. Place and maintain fill in approximately 0.05 acre of PEM and 0.02 acre of PSS wetland (Wetland W002).
3. Place and maintain fill in approximately 0.02 acre of PEM wetland (Wetland W014).
4. Temporarily place fill on either side of an existing culvert over Haymaker Run (HQ-CWF).
5. Remove a 71 foot single span bridge along an unnamed tributary of Haymaker Run (HQ-CWF) (locally known as Pearson Run) and construct and maintain a new 71 foot single span replacement bridge.
6. Install and maintain associated stormwater facilities along Haymaker Run (HQ-CWF).

For the purpose of constructing an addition to an existing school and a new school. This project will temporarily impact approximately 50 LF of Haymaker Run and permanently impact 0.19 acre of PEM wetland, and 0.02 acre of PSS wetland. Mitigation includes the creation of an approximately 0.48 acre wetland. This project is located approximately 800 feet south of the intersection of Sardis Road and Crowfoot Road (Murrysville, PA USGS Topographic Quadrangle; Latitude 40° 27' 20"; Longitude: -79° 39' 53"; USACE: Pittsburgh District Sub-basin 19A), in the Municipality of Murrysville, Westmoreland County.

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

**E61-301, National Fuel Gas Distribution Corp.**, 1100 State Street, Erie, PA 16501. SM77 Replacement and Relocation Project, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Oil City and Cranberry, PA Quadrangle N: 41° 23' 40.10"; W: -79° 42' 22.932").

Install, operate and maintain approximately 3.6 miles of replacement and re-route of the existing SM77 12-inch diameter high pressure steel natural gas distribution pipeline (Oil City and Cranberry, PA Quadrangle N: 41° 23' 40.10"; W: -79° 42' 22.932") in Cranberry Township, Venango County. Project impacts include 2.185 acres of temporary impact to Palustrine Emergent Wetlands

(PEM), 0.06 acre of permanent impacts to PEM wetlands, 0.144 acre of permanent conversion of Palustrine Forested Wetlands (PFO) to PEM, and 0.163 acre of permanent conversion to Palustrine Scrub Shrub Wetland (PSS) to PEM, 996 linear feet of temporary impacts and 85 linear feet of permanent impacts to the following surface waters: Halls Run (CWF) and tributaries, tributaries to the Allegheny River (CWF) and tributaries to Sage Run (CWF). Mitigation for permanent impacts to PSS and PFO wetlands will utilize a combination of enhancement and restoration along existing and abandoned ROWs with enhance a total of 0.234 acre of PEM wetlands to PSS and PFO, and restoration of a total of 0.106 acre of impacted PFO and PSS wetland to its original condition within the project area.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA4206219-001, McKean County Conservation District**, 17137 Route 6, Smethport, PA 16749. Railroad Run AMD Project, in Norwich and Liberty Townships, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 41.681192°; W: 78.312328° and N: 41.680777°; W: 78.293756°).

To construct, operate, and maintain a passive acid mine drainage (AMD) treatment system consisting of two projects. The Deep Mine Site (RR19D) will capture and treat water from an AMD discharge utilizing 2 vertical flow ponds and a treatment wetland. Treated water will discharge via outlet channel to a tributary of Railroad Run. The RR18D site is located along another tributary of Railroad Run. This location does not have a distinct AMD discharge, but this site will be utilized to supplement the RR19D site by adding additional alkalinity to Rail Road Run. Treatment at this location consists of a limestone bed. This project meets the water quality parameters for coverage by the Environmental Assessment published in the *Pennsylvania Bulletin* on December 13, 1996 for restoration projects approved under Title 4 of the Surface Mining Control and Reclamation Act of 1977. This project qualifies for waiver of permit requirements under § 105.12(a)(16).

**EA25-055, Millcreek Township**, 3608 West 26th Street, Erie, PA 16506. Scott Run Restoration, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42.109908°; W: 80.152541°).

Applicant is requesting waiver of Chapter 105 permitting requirements under § 105.12(a)(16) for installation of nine grade control structures along approximately 2,000 feet of Scott Run and riparian plantings along approximately 1,000 feet of Scott Run to stabilize the channel, reduce further incising and the resultant sediment transport, and to improve in-stream habitat for aquatic organisms.

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

**D14-109EA. Steve Nyman**, Water Maintenance Officer, Howard Borough, P.O. Box 378, Howard, PA 16841, Marion Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Howard Dam to eliminate a threat to public safety and to restore approximately 380 feet of stream channel to a free-flowing

condition. The proposed restoration project includes construction of cross vanes in the stream channel through the former reservoir as grade control and habitat development. The project is located across a tributary to Lick Run (HQ-CWF) (Mingoville, PA Quadrangle, Latitude: 40.9993; Longitude: -77.6469).

#### WATER QUALITY CERTIFICATIONS

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

**WQ20-004, US Department of Agriculture—Natural Resource Conservation Service**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Rauterkus Wetland Reserve Project, in North Shenango Township, **Crawford County**, ACOE Pittsburgh District (Hartstown, PA Quadrangle N: 41.61666°; W: 80.458333°).

Applicant is requesting Clean Water Act Section 401 State Water Quality Certification for modification of an existing wetland enhancement project through the US Department of Agriculture—Natural Resource Conservation Service Wetland Reserve Program. The purpose of this project is to increase the quantity, quality, and diversity of wetland wildlife habitat and improve water quality by improving the original site hydrology retention and promoting native vegetation. The proposed work consists of enhancing the structural integrity of existing embankments and removing additional, existing embankments to enhance and create new wetlands onsite. This project is anticipated to result in permanent impact to 0.17 acre of existing wetland, provide enhancement to 0.94 acre of existing wetland, and create 6.62 acre of new wetland.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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



*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-3 # ESG30700318-001  
 Applicant Name Huntley & Huntley Exploration, LLC  
 Contact Person Brian Dillemath  
 Address 501 Technology Drive, Suite 1200  
 City, State, Zip Canonsburg, PA 15317  
 County Allegheny  
 Township(s) Elizabeth Township  
 Receiving Stream(s) and Classification(s) Unnamed Tributaries to Youghiogheny River, Youghiogheny River (WWF)

ESCGP-3 # ESG073019001-00  
 Applicant Name EQM Gathering OPCO, LLC  
 Contact Person Erin Debias  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Greene  
 Township(s) Whiteley Twp  
 Receiving Stream(s) and Classification(s) UNTs to Dyers Fork (TSF), UNTs to Patterson Run (TSF), Patterson Run (TSF)/Whiteley Creek (TSF)

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

*Clarion County Conservation District, 217 S 7th Avenue, Room 106A, Clarion, PA 16214, 814-297-7813.*

*Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825, 814-849-7463.*

<i>ESCP</i>				<i>Receiving</i>
<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Water/Use</i>
ESG0003119001	Dominion Energy 925 White Oak Boulevard Bridgeport, WV 26330	Clarion	Union Township, Jefferson County, Limestone Township, Clarion County	Piney Creek, Welch Run, Runaway Run

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-3 # Limestone Run Well Pad-ESG080319002-00  
 Applicant Snyder Brothers Inc.  
 Contact Carl Rose  
 Address P.O. Box 1022 One Glade Park East  
 City Kittaning State PA Zip Code 16201  
 County Armstrong Township(s) East Franklin  
 Receiving Stream(s) and Classification(s) Limestone Run and UNT to Limestone Run-WWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-3 # ESG32908119-003  
 Applicant Name Range Resources-Appalachia, LLC  
 Contact Person Karl Matz  
 Address 3000 Town Center Blvd.  
 City, State, Zip Canonsburg, PA 15317-5839  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) UNT to First Fork Larrys Creek-Hickory Swale (EV), UNT to Ramsey Run (HQ-CWF) & Tarklin Run (EV).  
 Secondary Receiving Waters: UNT to First Fork Larrys Creek (EV) and Ramsey Run (HQ-CWF).

**STORAGE TANKS  
 SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit</i>				<i>Tank</i>	<i>Tank</i>
<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Type</i>	<i>Capacity</i>
19-05-002	Accella Polyurethane Systems, LLC 140 Sheldon Road Berea, OH 44131 Attn: John Kosiewicz	Bedford	Bedford Borough	12 ASTs storing hazardous substances and petroleum products	44,800 gallons total

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Beverage Enterprise**, 46-29044, 1103 Ridge Pike, Plymouth Township, **Montgomery County**. Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335, on behalf of 1103 Ridge Partners LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential site specific standards.

**Prince Fuel**, 51-23896, 7601 Frankford Ave, **City of Philadelphia**. Compliance Management International, Inc., 1350 Welsh Road, Suite 200, North Wales, PA 19454, on behalf of Prince Fuel Company, 7601 Frankford Ave, Philadelphia, PA 19136 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**Phila Bulk Mail Ctr**, 51-43295, 1900 Byberry Rd, **City of Philadelphia**. Louis Berger U.S., Inc., 350

Eagleview Boulevard, Suite 250, Exton, PA 19341-1178, on behalf of the United States Postal Service—Philadelphia Network Delivery Center, 1900 Byberry Road, Philadelphia, PA 19116 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the residential Statewide health standards.

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

**Sunny's Express Mart**, Storage Tank ID # 45-39022, 458 Interchange Road, Polk Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Rital & Neval Inc., 458 Interchange Road, Kresgeville, PA 18333, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to Statewide Health Standards.

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

**Hollerbush Garage**, Storage Tank Primary Facility ID # 67-63088, 135 Taylor Road, Etters, PA 17319, Newberry Township, **York County**, United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Larry Hollerbush, 135 Taylor Road, Etters, PA 17319 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**D. Gresko Holdings**, Storage Tank Primary Facility ID # 32-15586, 19859 State Route 286 West, Conemaugh Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of D. Gresko Holdings, LLC, 1204 Rose Road, Saltsburg, PA 15681 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tert-butyl ether (MTBE), naphthalene, toluene, 1,2,4-trimethyl benzene, 1,3,5-trimethyl benzene, and xylenes. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is

submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Cardone Industries, Inc.**, 51-30448, 5660 Rising Sun Avenue, City of Philadelphia, **Philadelphia County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Cardone Industries, 5501 Whitaker Avenue, Philadelphia, PA 19120 submitted a 310(b) Site Characterization Report concerning remediation of soil contaminated with petroleum products. The 310(b) Site Characterization Report demonstrated attainment of residential Statewide health standard and was approved by the DEP on April 2, 2019.

**Getty 69710**, 46-12147, 401 Bethlehem Pike, Whitmarsh Township, **Montgomery County**. Enviro-Trac, Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 09020 on behalf of LUKOIL North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of residential Statewide health standards and site specific standards and was approved by the DEP on April 5, 2019.

**Penske Truck Leasing**, 51-37929, 2500 Wheatsheaf Ln, **City of Philadelphia**. Environmental Standards, 1140 Valley Forge Road, P.O. Box, 810, Valley Forge, PA 19842-0810 on behalf of Penske Truck Leasing Co. L.P., Rt. 10, Green Hills, P.O. Box 7635, Reading, PA 19603 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health standards and was approved by the DEP on April 4, 2019.

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

**Turkey Hill Minit Market 114**, Storage Tank ID # 48-41707, 4205 Lehigh Drive, Lehigh Township, **Northampton County**. Comstock Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Dillon

Companies, Inc./Kroger (Turkey Hill), 257 Centerville Road, Lancaster, PA 17603 has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan was not acceptable to meet the Non-Residential Statewide Health Standards and was disapproved by DEP on April 4, 2019.

**Dingmans Best Station**, Storage Tank ID # 52-08100, 1596 Dingmans Turnpike (PA Route 739), Delaware Township, **Pike County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Dingmans Fuel Transfer Corporation, P.O. Box 686, Dingmans Ferry, PA 18328, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of the Non-residential Statewide Health Standards for soil and groundwater and was approved by DEP on April 9, 2019.

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

**Growth Investors Group**, Storage Tank Primary Facility ID # 22-07410, 770 Eisenhower Blvd., Harrisburg, PA 17110-2307, Swatara Township, **Dauphin County**, Comstock Environmental Services, LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Mr. Jitendra Patel, 6602 Misty Creek, Missouri City, TX 77459-3190, submitted a combined Site Characterization Report and Remedial Action Plan, concerning remediation of soil and groundwater contaminated with Unleaded Gasoline Shortlist Constituents. The Remedial Action Plan was acceptable to meet the Statewide Health and Site-Specific Standards and was approved by the Department on February 5, 2019.

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

**Country Fair 44**, Storage Tank Primary Facility ID # 43-91315, 1681 South Center Street Extension, Grove City, PA 16127, Springfield Township, **Mercer County**. Compliance Environmental Services, 6700 Kirila Boulevard, Hermitage, PA 16148, on behalf of United Refining Company of Pennsylvania, 15 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether, cumene, and naphthalene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on April 2, 2019.

**Kwik Fill M 207**, Storage Tank Primary Facility ID # 25-23780, 12201 East Main Road, North East Township, **Erie County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of United Refining Company, 15 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on April 2, 2019.

**Pine Avenue Shell**, Storage Tank Primary Facility ID # 25-90047, 3800 Pine Avenue, City of Erie, **Erie County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of MKP Enterprise, Inc., P.O. Box 8326, Erie, PA 16505 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with benzene, ethylbenzene and xylenes

and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene and xylenes. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 2, 2019.

**Honey Bear Mini Mart Graft Oil**, Storage Tank Primary Facility ID # 03-07315, 200 North McKean Street, Kittanning, PA 16201-1344, Kittanning Borough, **Armstrong County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Graft Oil Company, P.O. Box 899, 2561 Memorial Boulevard, Connellyville, PA 15425-0899 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, MTBE, cumene, and naphthalene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on April 5, 2019.

[Pa.B. Doc. No. 19-573. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### 2018 Draft Integrated Water Quality Monitoring and Assessment Report; Availability for Public Comment

The Department of Environmental Protection (Department) is providing for public comment its draft 2018 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report includes both a narrative description of the Commonwealth's water quality management programs (formerly the Federal Clean Water Act section 305(b) Report) and waterbody-specific lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act (33 U.S.C.A. § 1313(d)).

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 (relating to water quality planning and management) require states to identify waters which do not meet applicable water quality standards, even after the appropriate pollution control technology has been applied to point sources and required best management practices are in place for nonpoint sources. The Integrated Report establishes five categories for listing waterbodies. Waterbodies that do not meet water quality standards and that require a Total Maximum Daily Load (TMDL) are placed on Category 5 of the Integrated Report waterbody list.

In addition to comments of a general nature on the Integrated Report, the Department is seeking comment on the waters listed as high priorities for TMDL development and the waters selected to be restored through alternatives to TMDLs (Category 5alt). The draft 2018 Integrated Report marks a significant change from previous reports by moving to a new digital and fully interactive format.

Waterbody assessment and compilation of the Integrated Report is an ongoing process. The Department will continue to verify the quality of data used in this process and, as needed, will publish supplements to the Integrated Report for public review and comment.

The Department invites interested persons to submit written comments on the draft Integrated Report through Tuesday, June 4, 2019. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can also be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Gary Walters at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-574. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Alternative Fuels Incentive Grant Program; Grant Opportunity

The Department of Environmental Protection (Department), Energy Programs Office announces an opportunity to apply for grants under the Alternative Fuels Incentive Grant (AFIG) Program to improve air quality in this Commonwealth and reduce consumption of imported oil through the use of homegrown alternative fuels that will help the economy and environment in this Commonwealth. The Department is seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner advanced alternative transportation within this Commonwealth.

Approximately \$6 million in grants will be available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth to support:

- Incremental cost expenses relative to retrofitting vehicles to operate on alternative fuels as a bi-fuel, dual-fuel, hybrid or dedicated vehicle.
- Incremental cost expenses to purchase bi-fuel, dual-fuel, hybrid or dedicated vehicles.
- The cost to purchase and install the necessary fleet refueling or workplace, home or intermediary refueling equipment for bi-fuel, dual-fuel, hybrid or dedicated vehicles.
- The cost to perform research, training, development and demonstration of new applications or next-phase technology related to alternative fuel vehicles.

Changes to the program for 2019 include:

- For innovative technology projects, the maximum grant award has been increased to \$600,000.
- Standard hybrid vehicles are not eligible for an AFIG award, only plug-in hybrid electric vehicles are eligible.

- For new compressed natural gas, liquified natural gas, propane, biodiesel vehicles using a blend greater than B20, electric vehicles with a battery system capacity equal to or greater than 30 kWh, and hydrogen fuel cell vehicles, applicants may request 100% of the incremental costs for all vehicle classes but no more than \$7,500 for Class 1 and Class 2 passenger vehicles, and no more than \$40,000 per vehicle for all other vehicle classes.

- For electric vehicles with a battery system capacity between 10 kWh and 30 kWh, applicants may request a maximum of 75% of the incremental costs for all vehicle classes but no more than \$5,000 per vehicle for Class 1 and Class 2 passenger vehicles, and no more than \$30,000 for all other vehicle classes.

- For electric vehicles with a battery system capacity of less than 10 kWh, applicants may request a maximum of 50% of the incremental costs for all vehicles but no more than \$1,000 for Class 1 and Class 2 passenger vehicles, and no more than \$20,000 per vehicle for all other vehicle classes.

The program guidelines and application instructions are available on the Department's web site at <http://www.dep.pa.gov> (select "Citizens," then "Grants, Loans and Rebates," then "Alternative Fuels Incentive Grant"). Applications will be accepted online through the Department of Community and Economic Development eGrants system at <http://www.esa.dced.state.pa.us/>.

The application period will open Friday, April 26, 2019, and will remain open throughout 2019. The Department will collect and review applications received by 4 p.m. on Friday, July 12, 2019, and 4 p.m. on Friday, December 13, 2019. Hard copy applications will not be accepted.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 19-575. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### Final TGD: Minor Revisions

*DEP ID:* 390-3301-001. *Title:* Cryptosporidia, E. coli, and Turbidity LT2ESWTR Laboratory Reporting Instructions for Public Water Systems Using Surface Water or Groundwater Under the Direct Influence of Surface Water (GUDI) Sources. *Description:* The Department's Bureau of Safe Drinking Water has made minor revisions to this TGD relating to laboratory reporting requirements under the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). As set forth in 25 Pa. Code §§ 109.1201–109.1206 (relating to Long-Term 2 Enhanced Surface Water Treatment Rule), the LT2ESWTR describes, among other things, source water quality monitoring and additional treatment requirements for higher-risk water systems. The purpose of the LT2ESWTR is to enhance public health protection against pathogenic microbial contaminants, especially Cryptosporidia. This final TGD became available at 47 Pa.B. 3153 (June 3, 2017). Minor corrections to the TGD were necessary, as follows: (1) In Case Example # 1 on page 20, the final result in the Oocysts/liter calculation is "2.272727" replacing "2.27"; the significant number of decimal places is six. Additionally, for the calculation, two significant decimal places are required for the number of liters; therefore, "11.0" was replaced with "11.00" liters. The related Drinking Water Electronic Lab Reporting screenshot was replaced by a corrected version on page 21; and (2) On page 1, under Reader's Note, and on page 3, item # 4 under Section 2: Responsibilities of the Laboratory, the eLibrary link was updated.

*Contact:* Questions regarding this TGD can be directed to Pauline Risser at [parisser@pa.gov](mailto:parisser@pa.gov) or (717) 772-5970.

*Effective Date:* April 20, 2019

#### Withdrawal of Technical Guidance

*DEP ID:* 394-3000-001. *Title:* Pennsylvania Improving Waters Program Guidelines: Documenting and Reporting Measurable, Incremental Improvements in Water Quality of Streams, Rivers and Lakes. *Description:* This TGD was published as a draft at 45 Pa.B. 6452 (October 31, 2015). The contents of this TGD explain the process for Department staff and others involved in water quality monitoring who are interested in documenting and reporting measurable, incremental improvements in water quality in streams, rivers and lakes that result in progress towards an impairment-free condition. The Department has determined this TGD is no longer necessary because the guidelines therein have been replaced by the 2018 Assessment Methodology for Rivers and Streams. The Department does not intend to finalize the document and, by this notice, withdraws the draft guidance.

*Contact:* Questions regarding this action can be directed to Gary Walters at [gawalters@pa.gov](mailto:gawalters@pa.gov) or (717) 783-7964.

*Effective Date:* April 20, 2019

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 19-576. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Coastal Zone Advisory Committee Meeting Rescheduled

The Coastal Zone Advisory Committee meeting originally scheduled for Wednesday, June 19, 2019, has been rescheduled to Wednesday, May 29, 2019, at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the May 29, 2019, meeting should be directed to Stacey Box, Compacts and Commissions Office, at [sbox@pa.gov](mailto:sbox@pa.gov) or (717) 772-5622. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Coastal Zone Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5622 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-577. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Replace Existing Seawall along East Dobbins Landing and Presque Isle Bay (Lake Erie)

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Re-

sources Management Program has received notice that the Erie-Western Pennsylvania Port Authority (EWPPA) is proposing to replace an existing seawall along East Dobbins Landing and Presque Isle Bay (Lake Erie) in the City of Erie, Erie County.

The applicant is seeking authorization from the United States Army Corps of Engineers for the construction of approximately 700 feet of new steel sheet pile seawall to replace an existing deteriorated seawall along East Dobbins Landing. Construction of the seawall will include a fill encroachment to 15 feet seaward of the existing wall and limited dredging to properly construct the new wall. The applicant proposes that the seawall replacement is necessary to continue to provide safe public access to Presque Isle Bay at East Dobbins Landing.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), EWPPA 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 Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at [RA-Fed.Consistency@pa.gov](mailto:RA-Fed.Consistency@pa.gov) or (717) 772-2196. The Department will consider all comments received on or before May 6, 2019, before issuing a final Federal consistency concurrence or objection. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail at [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, Harrisburg, PA 17101.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-578. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Planning and Household Hazardous Waste Education Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection hereby announces the following grants to Elk County and Jefferson County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at mvottero@pa.gov or (717) 772-5719.

**Act 101, Section 901 Planning and HHW Grant**

Region	County	Applicant	Project	Grant
Northwest	Elk	Elk County	HHW Education	\$14,160
Northwest	Jefferson	Jefferson County	Planning	\$8,588

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-579. Filed for public inspection April 19, 2019, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Stream Evaluation of Slab Cabin Run (Centre County), Roaring Run (Centre County) and Tributaries to Spring Creek (Centre County); Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream sections listed to determine the proper aquatic life use designation in this Commonwealth's Water Quality Standards.

Stream Name	County	Tributary to
Slab Cabin Run (23036)	Centre	Spring Creek
UNT "Thompson Run" (23037)	Centre	Spring Creek
Roaring Run (23042)	Centre	Spring Creek

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the evaluation. These evaluations may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Mark Brickner, Division of Water Quality, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774, or mbrickner@pa.gov. Data should be submitted by May 20, 2019. Any data submitted must include the originator's name and address.

For further information, contact Mark Brickner at mbrickner@pa.gov or (717) 787-9637. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-580. Filed for public inspection April 19, 2019, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Approval of Drugs Which May be Used by Certain Optometrists**

Under the Optometric Practice and Licensure Act (63 P.S. §§ 244.1—244.12), as amended by the act of

December 16, 2002 (P.L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the "practice of optometry" as defined in Act 225. The Chairperson of the State Board of Optometry (Board) sent the Secretary a letter on November 1, 2018, requesting that the following drug be approved.

Oxervate® (cenegermin-bkbj) ophthalmic solution

The drug was deemed approved and the approval of the use of this drug is effective upon publication of this notice in the *Pennsylvania Bulletin*.

For additional information, or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Linda Chamberlain, Department of Health, Bureau of Community Program Licensure and Certification, Division of Home Health by means of the Drug, Device and Cosmetics Program, 555 Walnut Street, 7th Floor, Suite 701, Harrisburg, PA 17101, (717) 783-1379, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-581. Filed for public inspection April 19, 2019, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Long-Term Care Nursing Facilities; Requests for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) (relating to electric requirements for existing and new construction):

The Lutheran Home at Johnstown  
807 Groucher Street  
Johnstown, PA 15905  
FAC ID # 270102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.8 (relating to ceiling heights):

Windber Woods Senior Living and Rehabilitation Center  
277 Hoffman Avenue  
Windber, PA 15963  
FAC ID # 032602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-582. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2018-2019 disproportionate share hospital (DSH) payments to qualifying acute care general hospitals that provide enhanced access to multiple types of medical care in economically distressed areas. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$119.397 million (\$57.012 million in State general funds and \$62.385 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1319. (1) General Fund; (2) Implementing Year 2018-19 is \$57,012,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-583. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funding for Fiscal Year (FY) 2018-2019 disproportionate share hospital (DSH) payments to qualifying hospitals that provide a high volume of services to the Medical Assistance population to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs that provide integrated patient-centered medical services. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are still applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$9.424 million (\$4.500 million in State general funds and \$4.924 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider all comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1315. (1) General Fund; (2) Implementing Year 2018-19 is \$4,500,000; (3) 1st Succeed-



ing Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$24,681,000; 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-584. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2018-2019 disproportionate share hospital (DSH) payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals that promote access to comprehensive inpatient services for MA eligible persons by providing an adequate supply of health care professionals who have been trained in high volume MA enrolled hospital settings. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$64.566 million (\$30.830 million in State general funds and \$33.736 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1318. (1) General Fund;

(7) MA—Academic Medical Centers; (2) Implementing Year 2018-19 is \$1,000,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$24,681,000; 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000;

(7) MA—Fee-for-Service; (2) Implementing Year 2018-19 is \$28,330,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Pro-

gram—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2018-19 is \$1,500,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$10,071,000; 2016-17 Program—\$10,071,000; 2015-16 Program—\$9,571,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-585. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments for Trauma Services

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to Medical Assistance enrolled acute care general hospitals qualifying as trauma centers. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7464 (December 1, 2018). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$18.128 million (\$8.656 million in State general funds and \$9.472 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1321. (1) General Fund; (2) Implementing Year 2018-19 is \$8,656,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$8,656,000; 2016-17 Program—\$8,656,000; 2015-16 Program—\$8,656,000; (7) Trauma Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-586. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate annualized funds for Fiscal Year (FY) 2018-2019 supplemental payments to qualifying acute care general hospitals and State-related university medical schools that provide medical services to Medical Assistance (MA) beneficiaries to ensure continued access to these related services.

*Qualifying Criteria*

A hospital is eligible for these supplemental payments if the hospital meets the following criteria, and, unless otherwise stated, the source of the information is the FY 2015-2016 MA-336 Hospital Cost Report available to the Department as of October 2018:

- a) The hospital is enrolled in the MA Program as an acute care general hospital.
- b) The hospital is located in a city of the first class.
- c) The hospital has less than 160 beds.
- d) The hospital provided at least 600 days of MA Fee-for-Service acute inpatient care.
- e) The hospital does not have an inpatient psychiatric unit, as evidenced by no psychiatric unit inpatient beds being reported in its FY 2015-2016 MA-336 Hospital Cost Report.

Payments will be divided proportionately among qualified hospitals based on each hospital's MA inpatient days to total MA inpatient days for all hospitals.

*Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$4.188 million (\$2.000 million in State general funds and \$2.188 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1316. (1) General Fund; (2) Implementing Year 2018-19 is \$2,000,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-587. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2018-2019 supplemental payments to qualifying acute care general hospitals that provide medical and

surgical ocular services to Medical Assistance (MA) beneficiaries to ensure continued access to these critical eye related services.

*Qualifying Criteria*

A hospital is eligible for these supplemental payments if the hospital meets all criteria listed as follows:

- a) The hospital is enrolled in MA Program as an acute care general hospital.
- b) The hospital is located in a city of the first class.
- c) The hospital does not qualify as a children's hospital, as defined at 42 CFR 495.302 (relating to definitions).
- d) The hospital has net patient revenue of less than \$30 million for FY 2016-2017 as reflected in the Pennsylvania Health Care Cost Containment Council 2017 financial report.

Payments will be divided proportionately among qualifying hospitals based on the percentage of each qualifying hospital's net patient revenue to total net patient revenue of all qualifying facilities as reflected in the Pennsylvania Health Care Cost Containment Council 2017 financial report.

*Fiscal Impact*

The FY 2018-2019 impact, as a result of the intended funding allocation for these payments, is \$1.675 million (\$0.800 million in State general funds and \$0.875 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1317. (1) General Fund; (2) Implementing Year 2018-19 is \$800,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-588. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Tuesday, May 14, 2019, at

10 a.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, 1st Floor, Harrisburg, PA 17121.

The Americans with Disability Act contact is Nathan Clark at (717) 772-9162.

Questions concerning this meeting may be directed to Nathan Clark at (717) 772-9162.

W. GERARD OLEKSIK,  
*Secretary*

[Pa.B. Doc. No. 19-589. Filed for public inspection April 19, 2019, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, May 3, 2019. The meeting will begin at 10 a.m. at

the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Kara N. Templeton will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Angelia Gillis at (717) 783-4534 by Friday, April 26, 2019. These concerns will be discussed during "Items from the Floor" on the agenda, which will open at 12:15 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Angelia Gillis at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-590. Filed for public inspection April 19, 2019, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulations, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-108	Department of Labor and Industry Uniform Construction Code	4/3/19	5/16/19
16A-5419	State Board of Pharmacy Compounding	4/9/19	5/16/19

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 19-591. Filed for public inspection April 19, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Ruben Perez; Doc. No. SC19-04-001

Notice is hereby given of the Order to Show Cause issued on April 4, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 6(a)(5), (12) and (13) of the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. § 1606(a)(5), (12) and (13)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—

56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-592. Filed for public inspection April 19, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Superior Petro Co., Inc., d/b/a Spc. Realty Company under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2018-0019(I); Doc. No. UT19-04-005

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for May 22, 2019, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 20, 2019. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before May 8, 2019. Answer to protests, petitions to intervene or notices of intervention, if any, shall be filed on or before May 20, 2019.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-593. Filed for public inspection April 19, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Theodore Schleifer; License Denial Appeal; Doc. No. AG19-04-004

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Theodore Schleifer has appealed the denial of the application for a 1033 Written Waiver to engage in the business of insurance. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for May 15, 2019, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 13, 2019. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 30, 2019, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North

Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any shall be filed on or before May 13, 2019.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-594. Filed for public inspection April 19, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Unum Life Insurance Company of America; Rate Increase Filing for Several Group LTC Forms (UNUM-131887717)

Unum Life Insurance Company of America is requesting approval to increase the premium an aggregate 25% on 16,983 policyholders with the following individual LTC policy form numbers: B.LTC, TQB.LTC, GLTC95 and TQGLTC95. The increase will average 25% but will vary from 0% for certificate holders without inflation protection to 118% for those with compound uncapped inflation protection.

Unless formal administrative action is taken prior to July 5, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-595. Filed for public inspection April 19, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Rebecca E. Vasinda; Order to Show Cause; Doc. No. SC19-03-002

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for May 21, 2019, at 10 a.m. Each

party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 17, 2019. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 7, 2019, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any, shall be filed on or before May 17, 2019.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-596. Filed for public inspection April 19, 2019, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 515.15—Employment-Related Verification and Background Checks, Amended March 6, 2019.

Management Directive No. 515.16—Appointment to Senior Level Positions, Amended February 28, 2019.

DUANE M. SEARLE,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 19-597. Filed for public inspection April 19, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Eligible Telecommunications Carriers; Federal Universal Service Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition to expand its limited eligible telecommunications carriers (ETC) designation to provide lifeline-

only ETC service throughout this Commonwealth for purposes of Federal universal service low income support:

YourTel America, Inc., d/b/a TerraCom, Petition for Expansion of its Eligible Telecommunications Carrier Designation; Doc. No. P-2011-2226044

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket number within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petition at the Commission's web site at <http://www.puc.pa.gov> or hard copies are available for a fee by means of a written request to the Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau (717) 787-6166.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-598. Filed for public inspection April 19, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 May 6, 2019. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2019-3006964. MVA Transit, LLC** (172 East Walnut Park Drive, Philadelphia, PA 19120) persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2019-3007724. Dawn Beitzel** (571 Millcross Road, Lancaster, PA 17601) 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 Lancaster, to points in Pennsylvania, and return.

**A-2019-3008959. Secure Choice Transportation, LLC** (19 Black Oak Drive, Lancaster, Lancaster County, PA 17602) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, or limited to persons seeking transportation to correctional facilities, from points in Lancaster County, to points in Pennsylvania, and return.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2019-3007048 (Amended). Three Rivers Transportation, LLC, t/a Transport VIP** (4590 McKnight Road, Pittsburgh, PA 15237) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, in sedan, wheelchair and stretcher vans, for nonambulatory medical and other transportation, in which the persons do not have access to, own or are unable to operate a motor vehicle, between points in Pennsylvania, and return. *Attorney:* Bradley N. Sommer, 6 Market Square, Pittsburgh, PA 15222.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-2019-3007379. Legacy Navigator, LLC** (2107 Loumour Avenue, Richmond, VA 23230) household goods in use, between points in Pennsylvania. *Attorney:* Christopher J. Merrick, 125 Coulter Avenue, Ardmore, PA 19003.

**A-2019-3008925. Birdish, Inc., d/b/a Two Men and a Truck of Princeton** (41 Twosome Drive, Suite # 7, Moorestown, NJ 08057) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2019-3008869. Koot Limo Car, LLC** (1610 Norwood House Road, Downingtown, PA 19335) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority.

**A-2019-3008978. Beverly A. Groff** (232 Masser Road, Allenwood, Union County, PA 17810) discontinuance of service and cancellation of her certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Snyder, Union, Centre, Clinton and Northumberland, excluding the Borough of Riverside in the County of Northumberland.

**A-2019-3008984. Brigittes Digits, LLC** (425 Cumberland Road, # 207, Pittsburgh, PA 15237) for the discontinuance of service and cancellation of its certificate, at A-6415146, as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service, between points in Allegheny, Butler, Beaver, Washington and Armstrong Counties.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-599. Filed for public inspection April 19, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 6, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Rafael A. Munoz, t/a Munoz Trucking; Docket No. C-2019-3007881

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Munoz, Rafael A., t/a Munoz Trucking, (respondent) is under suspension effective January 23, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 820 Karoly Street, Freemansburg, PA 18017.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 02, 1999, at A-00116208.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached

notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00116208 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/26/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lehigh Valley Lines, Inc.; Docket No. C-2019-3007895**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Lehigh Valley Lines, Inc., (respondent) is under suspension effective January 28, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1427 Packard Court, Kutztown, PA 19530.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 07, 2014, at A-8916284.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916284 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/26/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.



\_\_\_\_\_

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Woody's Transport, LLC; Docket No. C-2019-3007897**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Woody's Transport, LLC, (respondent) is under suspension effective January 30, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 426 East Eby Road, Leola, PA 17540.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 17, 2005, at A-00121702.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121702 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/26/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Hill's Trucking, LLC; Docket No. C-2019-3008095**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Hill's Trucking, LLC, (respondent) is under suspension effective February 11, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 144 Municipal Road, Berwick, PA 18603.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 23, 2016, at A-8919326.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919326 for failure to maintain evidence of current insurance on file with the

Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/27/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. SVJ, Inc., t/a SVJ Moving & Storage Co.; Docket No. C-2019-3008024**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to SVJ, Inc., t/a SVJ Moving & Storage Co., (respondent) is under suspension effective February 10, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 24, Oreland, PA 19075.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 18, 2009, at A-899757.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-899757 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/26/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-600. Filed for public inspection April 19, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2019-3008952. Consolidated Communications of Pennsylvania Company and Onvoy, LLC.** Joint petition of Consolidated Communications of Pennsylvania Company and Onvoy, LLC for approval of Amendment 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania Company and Onvoy, LLC, by their counsel, filed on April 2, 2019, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of Amendment 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Consolidated Communications of Pennsylvania Company and Onvoy, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-8108.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-601. Filed for public inspection April 19, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Service

**A-2019-3008980. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval to offer, render, furnish or supply water service to the public in certain portions of Upper Providence Township, Montgomery County and East Pikeland Township, Chester County; and request to abandon service territory in certain portions of Upper Providence Township, Montgomery County and East Pikeland Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties) on or before Monday, May 6, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company  
*Through and By Counsel:* Susan Simms Marsh, Deputy General Counsel, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055  
 ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-602. Filed for public inspection April 19, 2019, 9:00 a.m.]

**STATE CONSERVATION COMMISSION**

**Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
S&J Farms, LLC—Layer Barn Scott Kiskaddon 9454 Newburg Road Newburg, PA 17240	Franklin County/ Lurgan Township	118	Layers	New	Approved
Country View Family Farms, LLC—Bivouac Sow Farm 15197 Great Cove Road Big Cove Tannery, PA 17212	Fulton County/ Ayr Township	3,271.5	Swine	Amended	Approved

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 19-603. Filed for public inspection April 19, 2019, 9:00 a.m.]

**STATE EMPLOYEES' RETIREMENT BOARD**

**Hearings Scheduled**

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' request concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

May 8, 2019	Raina Hilgner Disability Issue	1 p.m.
June 25, 2019	Tonya J. Stone (Deceased) Contested Death Benefit Issue	1 p.m.
July 11, 2019	Collen A. McQueeney Pension Forfeiture Issue	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be

in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,  
Secretary

[Pa.B. Doc. No. 19-604. Filed for public inspection April 19, 2019, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on May 9, 2019, at 2:30 p.m. at the Pennsylvania State Capitol, East Wing, Room 8EB, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. These projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 14, 2019, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is May 20, 2019.

For further information contact Jason Oyler, General Counsel and Secretary, (717) 238-0423, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://mdw.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf](http://www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf).

#### *Supplementary Information*

The public hearing will cover the following projects:

#### *Projects Scheduled for Action*

1. Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), McHenry Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150601).
2. Project Sponsor and Facility: BKV Operating, LLC (Meshoppen Creek), Washington Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 2.160 mgd (peak day) (Docket No. 20150602).
3. Project Sponsor and Facility: BKV Operating, LLC (Susquehanna River), Washington Township, Wyoming County, PA. Application for surface water withdrawal of up to 2.914 mgd (peak day).
4. Project Sponsor and Facility: BKV Operating, LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.648 mgd (peak day) (Docket No. 20150603).
5. Project Sponsor and Facility: Town of Chenango, Broome County, NY. Application for renewal of groundwa-

ter withdrawal of up to 0.600 mgd (30-day average) from Well 12A (Docket No. 19871103).

6. Project Sponsor and Facility: Epsilon Energy USA, Inc. (East Branch Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.715 mgd (peak day).

7. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Application for renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Well HR-1 (Docket No. 20150608).

8. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Application for renewal of consumptive use of up to 0.316 mgd (peak day) (Docket No. 20150608).

9. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.250 mgd (peak day) (Docket No. 20150610).

10. Project Sponsor: Ski Roundtop Operating Corporation. Project Facility: Roundtop Mountain Resort (Unnamed Tributary to Beaver Creek), Warrington Township, York County, PA. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031209).

11. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.019 mgd (30-day average) from Well 5A4 (Docket No. 19890703).

12. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.033 mgd (30-day average) from Well 5J2 (Docket No. 19890703).

13. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.051 mgd (30-day average) from Well 5R2 (Docket No. 19890703).

14. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Newberry Operation, Newberry Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.072 mgd (30-day average) from the Dupont Well (Docket No. 19880401).

15. Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, PA. Application for groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 7.

16. Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, PA. Minor modification to add a new source (Well 7) to existing consumptive use approval (no increase requested in consumptive use quantity) (Docket No. 19990506).

17. Project Sponsor and Facility: Warwick Township Municipal Authority, Warwick Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.288 mgd (30-day average) from Well 1 (Docket No. 19890103).

#### *Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any previously listed business required to be subject of a public hearing. The presiding officer reserves the right to limit oral state-

ments in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing are posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any previously listed business required to be subject of a public hearing may also be mailed to Jason Oyler, Secretary, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through [www.srbc.net/about/meetings-events/public-hearing.html](http://www.srbc.net/about/meetings-events/public-hearing.html). Comments mailed or electronically

submitted must be received by the Commission on or before May 20, 2019, to be considered.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* April 5, 2019

ANDREW D. DEHOFF,  
*Executive Director*

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