

PENNSYLVANIA BULLETIN

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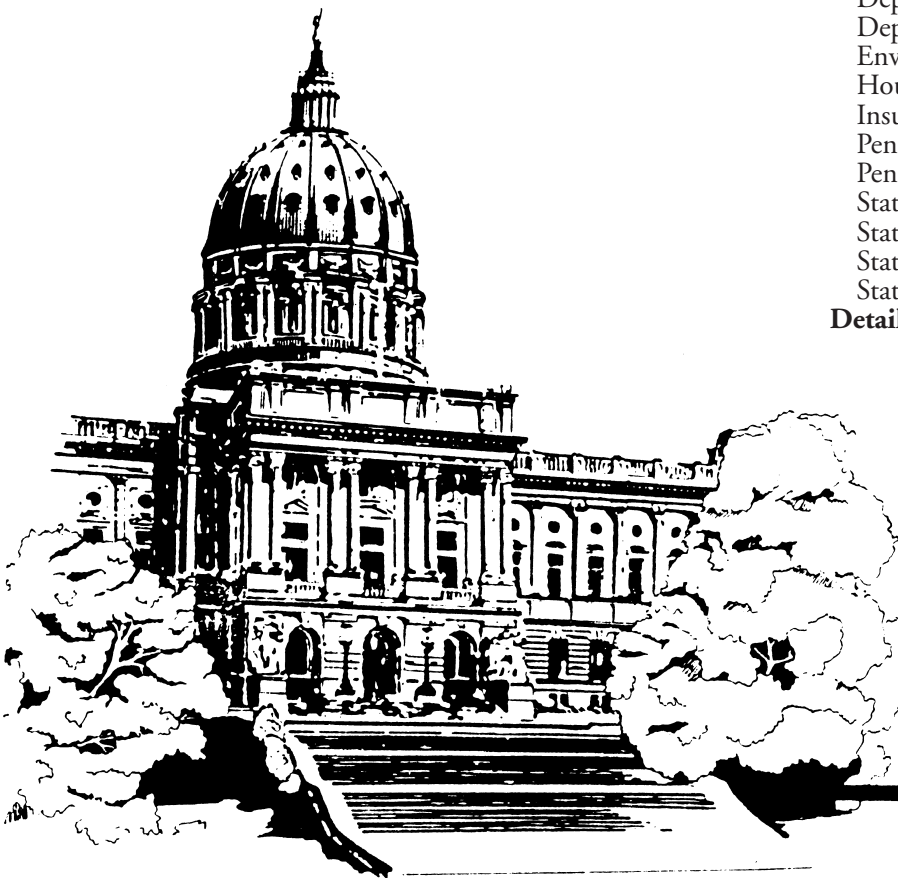
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 523, June 2018

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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.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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

The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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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 2018.

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2018-03]

Equal Pay for Employees of the Commonwealth

June 6, 2018

Whereas, this administration is committed to the promotion of pay equity in its hiring practices; and,

Whereas, according to a 2018 report released by Georgetown University's Center on Education and the Workforce, the gender wage gap results in women earning \$1 million less than men do in a lifetime; and,

Whereas, nationally, disparity in pay impacts minority and LGBTQ populations, with minority women, particularly Hispanic populations, experiencing the greatest pay disparities; and,

Whereas, women in the United States are paid just 80 cents for every dollar paid to men, amounting to an annual wage gap of over \$10,000, according to the National Partnership for Women and Families; and,

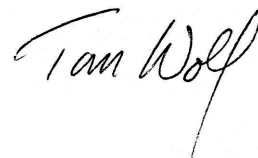
Whereas, the compounding impact of earning less has economic and social consequences for women, minorities, their families and communities; and,

Whereas, compensation should be based on position responsibilities and the selected applicant's knowledge, skills, competencies and experience; and,

Whereas, it is the policy of this administration to increase efficiency and achieve cost savings in state government; and

Whereas, the hiring practice of asking applicants about their salary histories during the hiring process may perpetuate pay inequity and may result in misalignment between position responsibilities and an applicant's qualifications.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania, do hereby order and direct as follows:



Governor

Fiscal Note: GOV-2018-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter KKK. EQUAL PAY FOR EMPLOYEES OF THE COMMONWEALTH

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1.902.	Salary negotiation.
1.903.	Compensation decisions.
1.904.	Position postings.
1.905.	Office of Administration.

- 1.906. Application.
 1.907. Implementation.
 1.908. Effective date.

§ 1.901. Hiring process.

Commonwealth agencies under the Governor's jurisdiction may not inquire about a job applicant's current compensation or compensation history at any stage during the hiring process.

§ 1.902. Salary negotiation.

An applicant is not prevented from volunteering information about current compensation level or salary history in negotiating a salary. However, no Commonwealth agency can request that an applicant disclose current salary or salary history information. In addition, applicants can refuse to disclose current compensation level or history, or both, without negative repercussions by the Commonwealth agency in its employment decisions.

§ 1.903. Compensation decisions.

Commonwealth agency compensation decisions for positions will be governed primarily by job responsibilities and the position's range of compensation as well as the applicant's knowledge, skills, competencies, experience, compensation requests or other bona fide factor other than sex, except when compensation is based on:

- (1) A collective bargaining agreement.
- (2) A seniority system.
- (3) A system of merit pay increases.
- (4) A system which measures earnings by quantity or quality of production, sales goals and incentives.

§ 1.904. Position postings.

All Commonwealth position postings will clearly disclose a job position's pay scale and pay range. The Commonwealth will disclose on the employment web site that the applicant is not required to furnish current compensation or prior compensation at any stage during the hiring process.

§ 1.905. Office of Administration.

The Office of Administration shall oversee implementation of this subchapter.

§ 1.906. Application.

(a) Nothing in this subchapter shall be construed to contravene or supersede the following:

- (1) Any State or Federal law or collective bargaining agreement.
- (2) Any policy establishing pay scales or ranges for classes of employment.

(b) This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 1.907. Implementation.

All Commonwealth agencies under the jurisdiction of the Governor shall take all steps necessary to implement this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to implement this subchapter.

§ 1.908. Effective date.

This subchapter shall take effect in 90 days.

[Pa.B. Doc. No. 18-957. Filed for public inspection June 22, 2018, 9:00 a.m.]

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 1, 2018, Daniel J. McCarthy (# 41440) is Suspended on Consent from the Bar of this Commonwealth for a period of three years. 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*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-958. Filed for public inspection June 22, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 210 AND 211]

Handling and Use of Explosives

The Environmental Quality Board (Board) amends Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives) to read as set forth in Annex A. These amendments update the regulations based on current industry best practices and include blasting requirements related to seismic exploration.

This final-form rulemaking was adopted by the Board at its meeting of February 20, 2018.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact William Allen, Acting Director, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (select "Public Participation," then "Environmental Quality Board (EQB)").

C. *Statutory Authority*

This final-form rulemaking is promulgated under the authority of sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-17 and 510-20), sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537) (Act 537) (73 P.S. §§ 157 and 161), sections 3 and 4 of the act of July 10, 1957 (P.L. 685, No. 362) (Act 362) (73 P.S. §§ 166 and 167), Reorganization Plan No. 8 of 1981 (71 P.S. § 751-35) (transferring powers and duties conferred under Act 537 and Act 362 from the Department of Labor and Industry to the Department of Environmental Resources), section 2(f) of the act of May 18, 1937 (P.L. 654, No. 174) (43 P.S. § 25-2(f)), Reorganization Plan No. 2 of 1975 (71 P.S. § 751-22) (transferring powers and duties conferred under the 1937 workplace safety law regarding pits, quarries, and the like, from the Department of Labor and Industry to the Department of Environmental Resources), section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b) and section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3311(e)).

D. *Background and Purpose*

This final-form rulemaking amends regulations to address the use of explosives for seismic exploration, which is fundamentally different than most other uses of explosives. For example, with seismic exploration, it is often necessary for explosive charges to remain in the ground for extended periods of time. This final-form rulemaking specifies the security measures needed to protect the public safety under these circumstances. While permits

are currently required for this activity, a supplement to the Department's blasting activity permit application form is necessary because detailed information is needed for site security and regulatory compliance. The Department developed an interim seismic supplement to address safety issues at seismic exploration sites which provided the applicant an opportunity to provide this detailed information. The specifications for this additional information are included in this final-form rulemaking. This final-form rulemaking codifies these requirements, providing certainty to the regulated community regarding the regulatory framework for seismic exploration.

This final-form rulemaking also updates explosives use requirements to reflect current practices and eliminates outdated requirements. The updated requirements will result in more consistency between the requirements for construction blasting and blasting for mining operations.

Advisory board collaboration and outreach

The Department reviewed this final-form rulemaking with the Mining and Reclamation Advisory Board on July 21, 2016, and with the Mining Aggregate Advisory Board on November 2, 2016. Each advisory board recommended that the rulemaking move forward for Board consideration.

In addition to advisory board engagement, the Department conducted outreach through the trade groups for these industry sectors and with the Pennsylvania chapters of the International Society of Explosives Engineers. As a result of this outreach, no concerns were presented during the public comment period by seismic operators or construction contractors.

E. *Summary of Changes to the Proposed Rulemaking*

Chapter 210. Blasters' licenses

§ 210.11. Definitions

This final-form rulemaking does not include the proposed definitions of "employee possessor," "explosive materials" and "responsible person." Based on comments, the proposed definitions of "employee possessor" and "responsible person" may not cover all persons who are eligible for a blaster's license. The definition of "explosives" is added in this final-form rulemaking based upon comments that the proposed definition of "explosives materials" was inconsistent with the Federal requirements.

§ 210.13. General

Subsection (b) is revised to require present rather than past compliance with Federal requirements to obtain a blaster's license. This revision was made based on comments which pointed out that the proposed requirement could be interpreted as a permanent bar for anyone who ever had a violation. Because the Federal requirements referenced in this section include a background check requirement, this final-form rulemaking does not include the proposed separate articulation of that requirement.

Chapter 211. Storage, handling and use of explosives

Subchapter A. General provisions

§ 211.101. Definitions

This final-form rulemaking adds a definition of "at-the-hole communication" based on comments to clarify the nature of the communication required.

The definition of "blast area" is revised to delete "the potential for" (with regard to personal injury and damage to property) because the phrase is unnecessary.

The definition of “cube root scaled distance ($D_s^{1/3}$)” is revised by adding a sentence to clarify that the cube root scaled distance is used to estimate airblast levels.

This final-form rulemaking does not include the proposed definitions of “employee possessor,” “explosive materials” and “responsible person.” Based on comments, not all persons who are eligible for a blaster’s license may be included as either an employee possessor or responsible person. The definition of “explosives” is added in this final-form rulemaking based upon comments that the proposed definition of “explosives materials” was inconsistent with the Federal requirements.

The definition of “flyrock” in this final-form rulemaking does not include material that travels onto property neither owned nor leased by the permittee or its customer, as proposed. The proposed language created a problem for construction blasting because property is rarely owned or leased by the permittee or its customer on construction projects. This definition was renumbered accordingly.

The definition of “FMCSA inspection” is added in this final-form rulemaking to clarify that certain vehicle inspections by the Federal Motor Carrier Safety Administration can be used in Subchapter E (relating to transportation of explosives).

This final-form rulemaking does not include the proposed definition of “nuisance.” Commentators noted that the use of this term was ambiguous and could be subject to misinterpretation.

The definitions of “MSHA” and “OSHA” are added in this final-form rulemaking as these acronyms are used in Chapter 211.

The existing definition of “scaled distance (D_s)” is revised in this final-form rulemaking to “square root scaled distance (D_s).” The definition is also revised to clarify that square root scaled distance is used to estimate ground vibration.

This final-form rulemaking does not include the proposed definitions of “unauthorized detonation of explosives,” “unauthorized handling and use of explosives” and “unauthorized storage of explosives” based on comments that these definitions could result in unintended consequences for new employees of blasting contractors.

§ 211.103. Enforcement

This final-form rulemaking does not include proposed subsection (d)(4) that established a permit and license block for any person who did not meet the requirements to be authorized as an employee possessor or responsible person by United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The terms “employee possessor” and “responsible person” are used in Federal requirements that differ from the terms included in this final-form rulemaking. In addition, not everyone who uses or handles explosives is included as either an employee possessor or responsible person.

Subchapter B. Storage and classification of explosives

§ 211.117. Daily summary of magazine transactions

This final-form rulemaking adds a reference to an additional Federal requirement (27 CFR 555.127 (relating to daily summary of magazine transactions)) that was inadvertently omitted from the proposed rulemaking.

Subchapter C. Permits

§ 211.121. General requirements

Based on comments, this final-form rulemaking clarifies subsection (e) by revising the language regarding

compliance to be in the present tense. In addition, new subsection (f) is clarified to require compliance by “the blasting contractor” rather than “all subcontractors” consistent with other sections of this final-form rulemaking.

§ 211.124. Blasting activity permits

Final-form subsection (a)(3) is revised to clarify that the application for a blasting activity permit must include the ATF license or permit number of the applicant or the “blasting contractor” rather than the “contract blaster” to be consistent with § 211.121(f) (relating to general requirements).

Final-form subsection (a)(9) is revised to clarify that an application for a blasting activity permit must include the minimum “square root” scaled distance unless the permit is for demolition blasting operations, which require use of the cube root scaled distance. Scaled distance is an important planning tool to limit the adverse effects of blasting. Cube root scaled distance is used to plan for the effects of air blast which is the most common impact of demolition blasting.

Former subsection (a)(17), proposed subsection (a)(20), is deleted in this final-form rulemaking. This paragraph required an applicant to provide proof that residents within 200 feet of the blasting site were informed of the proposed blasting operation. The proposed rulemaking recommended increasing the distance to 300 feet, or another distance established in the permit. Based upon comments, the Department determined that the notification requirement is less effective than other regulatory requirements in ensuring public safety. The existing requirement to clear and secure the blast area is more effective than providing notice prior to application. The requirement to clear and secure the site requires blasters to notify people in the vicinity of the blast as determined by blast design. For instance, if a blaster can only clear and secure a small area, the blast shall be designed accordingly.

Subchapter D. Records of disposition of explosives

§ 211.133. Blast reports

Final-form subsection (a)(9), former subsection (a)(7), is revised based on comments to clarify the information an applicant shall include on the sketch that accompanies the blast record.

Final-form subsection (a)(19), former subsection (a)(16), is revised to clarify that the “square root” scaled distance must be included in the blast report, except when demolition blasting occurs. In that case, the blast report must include the cube root scaled distance.

New subsection (a)(26) is revised to require a blast report to include a drill log which shows the condition of all holes that were drilled for a blast, whether they were loaded or not. Based on comments, the Department determined that limiting the drill log to other bore holes in the blast site “related to the blasting activity” was not appropriate. The condition of all drilled holes is necessary as it provides information regarding the condition and extent of the rock being blasted. This information is important for the blaster and the Department to evaluate why a blast performed the way it did.

Subchapter E. Transportation of explosives

§ 211.141. General requirements

Paragraph (13) is revised to clarify that blasting activity permittees shall only load explosives onto onroad vehicles that have passed the State safety inspection or certification “or an FMCSA inspection,” which is an

inspection required by the Federal Motor Carrier Safety Administration. Based on comments, an option of using Federal inspection specifications has been added, which particularly offers the regulated community the option of using out-of-State vehicles.

Subchapter F. Blasting activities

§ 211.151. Prevention of damage or injury

Proposed subsection (b) requiring blasting to be conducted in a manner that prevents a nuisance has been deleted from this final-form rulemaking. Based on comments, use of “nuisance” created ambiguity and would be subject to varied interpretations. The other requirements in this section adequately protect injury to others or damage to property of others. Therefore, proposed subsection (b) is not necessary. The remaining subsections have been renumbered accordingly.

Final-form subsections (e) and (f), proposed subsections (f) and (g), are revised to rely on “particle velocity” rather than “peak particle velocity,” as proposed, as the modifier “peak” is not necessary.

§ 211.152. Control of gases, including carbon monoxide and oxides of nitrogen

The heading of this section is revised to refer to the control of gases, rather than the control of “noxious” gases. Likewise, subsections (a) and (b) are revised to refer to gases generated by the blast, rather than the generation of “toxic” gases. Commentators objected to the use of the modifiers “noxious” and “toxic” because any gas generated by the blast that affects the health or safety of an individual is prohibited.

§ 211.154. Preparing the blast

Subsection (o), regarding the posting of signs, is added in this final-form rulemaking to ensure consistency with Federal requirements, specifically 29 CFR 1926.905(p) (relating to loading of explosives or blasting agents), 30 CFR 56.6306(a) (relating to loading, blasting, and security) or 30 CFR 77.1303(g) (relating to explosives, handling and use), as applicable. Commentators pointed out potential conflicts with Federal regulatory requirements for activities under the jurisdiction of the United States Department of Labor, Mine Safety and Health Administration (MSHA) or the United States Department of Labor, Occupational Safety and Health Administration (OSHA).

Subchapter G. Requirements for monitoring

§ 211.171. General provisions for monitoring

Subsection (a) is revised to include a reference to square root scaled distance to provide consistency throughout the regulations.

Subchapter J. Civil penalties

Proposed Subchapter J is not added in this final-form rulemaking. Civil penalties for nonmining explosives violations will be addressed in a future rulemaking package.

F. Summary of Comments and Responses on the Proposed Rulemaking

Comments were received from seven public commentators and the Independent Regulatory Review Commission (IRRC).

Several commentators suggested that additional references to the Federal regulations were appropriate to provide clarity and consistency. For example, with respect to sign requirements, MSHA has regulations for mine

sites and OSHA has regulations for construction blasting. This final-form rulemaking includes references to these requirements in § 211.154(o) (relating to preparing the blast). These requirements were proposed to be added as § 211.155(7) (relating to preblast measures). These requirements are added in this final-form rulemaking as § 211.154(o) to make clear that a blaster shall comply with them prior to loading a blast, which is consistent with Federal requirements. Section 211.117 (relating to daily summary of magazine transactions) is revised to add a reference to ATF regulations. The definition of “explosives” in § 211.101 (relating to definitions) is added in this final-form rulemaking and includes the elements of the ATF definition of “explosives” and items on the ATF “List of Explosive Materials.” The definition of “blast area” in § 211.101 was not revised to include a reference to the MSHA requirements because they are limited to onsite effects of blasting, while Commonwealth statutes also address public safety, which requires consideration of offsite effects as well.

A revision to the definition of “mine opening blasting” in § 210.11 (relating to definitions) was suggested, but not made at this time as additional review is necessary. A suggestion to delete § 210.17(a) (relating to issuance and renewal of licenses) was made. This subsection has been retained as it explains the scope of blaster’s licenses issued by the Department. A commentator suggested rescinding § 211.115 (relating to standards for classifying and storing explosives and constructing, maintaining and siting magazines) since this is covered by Federal regulations. Retention of this section is necessary to provide the Department with the authority to implement the existing explosives storage security measures.

Several commentators indicated that the proposed fee increases were excessive. The existing fees have been in place for many years and do not reflect current administrative and enforcement costs. After careful consideration, the Board did not adopt the proposed amendments to the fee schedule. The Department will further evaluate the fee schedule and will address fees separately in a subsequent rulemaking.

A commentator took exception to the proposed phrase “the potential for” in the definition of “blast area” in § 211.101. The commentator stated that it is inconsistent with Federal requirements and ambiguous. The proposed phrase has been deleted from this final-form rulemaking. A commentator stated that the proposed addition of the area of “property neither owned nor leased by the permittee or its customer” in the definition of “flyrock” in § 211.101 created a conflict of property rights without providing any additional protection. After further review, the proposed language has been deleted from this final-form rulemaking.

A commentator requested clarification of the difference between “blaster” and “blaster-in-charge” in § 211.121 and § 211.124 (relating to blasting activity permits). While “blaster” is a generic term, “blaster-in-charge” is used exclusively in relation to the detonation of a blast and the associated recordkeeping. This distinction is necessary. Multiple licensed blasters may be involved with a blast. Each blast has only one blaster-in-charge to assure accountability.

A commentator stated that the use of “scaled distance” was unclear because of the definition of “cube root scaled distance ($D_s^{1/3}$)” in § 211.101. This final-form rulemaking has been revised to include the distinction between square root scaled distance and cube root scaled distance in each instance where scaled distance is used. The

former term “scaled distance (Ds)” has been revised to “square root scaled distance (Ds)” and clarifying statements have been added.

A commentator suggested the deletion of definitions of “unauthorized detonation of explosives,” “unauthorized handling and use of explosives” and “unauthorized storage of explosives” stating that they were unreasonable and impossible to enforce. After further consideration and review, these terms and references to them are deleted in this final-form rulemaking.

A commentator requested clarification of the applicability of the permit and license block in § 211.121. This section is clarified by using the present tense.

A commentator objected to the 4-hour availability for access to explosives storage magazines in § 211.115(j). Since this final-form rulemaking allows for an alternative time frame, this subsection was not revised.

A commentator objected to the proposed addition of § 211.116 (relating to decommissioning magazines), asserting that it is not necessary due to similar Federal requirements. The Department’s inspectors provide confirmation that magazines have been emptied as part of the Commonwealth’s explosives storage magazine licensing responsibility. For this reason, the section is adopted in this final-form rulemaking.

Commentators requested clarifications about permitting requirements under § 211.124. More specifically, questions were raised about electronic submissions, dealing with multiple blasts under one permit application, specifying the types of explosives, fee payments, addresses and mapping. Specific clarifications are noted as follows. Electronic signatures are acceptable under existing electronic commerce requirements. Blasting permits routinely are designed for multiple blasts. The requirement to provide the specific types of explosives to be used is intended to capture enough detail for planning, but does not require identification of brand names. While the Board did not adopt the proposed amendments to the fee schedule, the Department will continue to collect existing fees consistent with currently accepted methods of payment. Addresses and mapping need to provide sufficient information to locate blasts and structures that may be affected by blasting.

A commentator stated that the proposed notification of residents within 300 feet of the blast site to be included as part of a permit application does not provide any benefit and is arbitrary because the 300-foot distance does not consider the scale of each blasting project. After further consideration, the notification requirement was deleted from this final-form rulemaking because the notification requirement is less effective than other regulatory requirements in ensuring public safety. The existing requirement to clear and secure the blast area is more effective than providing notice prior to application. The requirement to clear and secure the site requires blasters to notify people in the vicinity of the blast as determined by blast design. For instance, if a blaster can only clear and secure a small area, the blast shall be designed accordingly.

A commentator stated that a blaster’s license for law enforcement is no different than other uses of explosives. With the addition of the law enforcement category in § 210.17(a), the Department will be able to tailor the required certification class and exam to the law enforcement category.

Several comments were received about the blast record requirements specified in § 211.133 (relating to blast

reports). These are related to electronic signatures, the description of the ground in the area of the blasting, the amount of explosives in each hole, addresses and drill logs. This final-form rulemaking does not address electronic signatures because they are allowed under existing electronic commerce requirements. Clarity has been added to the description of the ground by providing examples. The reporting of the amount of explosives in each hole is necessary to meet the general requirement of having enough information to reconstruct the blast. For bulk products with variable densities, a density range will meet the requirements under final-form subsection (a)(14). The new requirement provides specific direction on how to comply. Addresses are needed to confirm locations. The drill logs are also necessary to meet the general requirement of having enough information to reconstruct the blast.

A commentator suggested that a definition should be added to clarify that at-the-hole communication with the driller is an effective way for the blaster-in-charge to determine the condition of the material to be blasted. A definition of “at-the-hole communication” has been added in § 211.101.

A commentator noted that out-of-State vehicles are not subject to the Commonwealth’s inspection requirements. In response, this final-form rulemaking includes a definition of “FMCSA inspection” in § 211.101 and a reference to the Federal vehicle inspection requirement in § 211.141 (relating to general requirements).

Several commentators suggested that “nuisance” is ambiguous and subject to varied interpretations. Therefore, this term has been deleted from this final-form rulemaking.

A commentator suggested that provisions be made for alternative peak particle velocity limits. This final-form rulemaking provides for alternative particle velocity levels in § 211.151(e) (relating to prevention of damage or injury).

Several commentators objected to “noxious” and “toxic” in § 211.152 (relating to control of gases, including carbon monoxide and oxides of nitrogen) in relation to the gases produced by a blast. After further review, these terms have been deleted from this final-form rulemaking, as the language included in this section prohibits the generation of any gas by a blast that affects the health or safety of an individual.

Several commentators noted potential conflicts with Federal regulatory requirements for activities under the jurisdiction of MSHA or OSHA. This final-form rulemaking includes references to the Federal requirements, when appropriate, to avoid conflicts.

A commentator suggested that a reference be added to manufacturer specifications for deploying seismographs to monitor a blast. A reference to International Society of Explosives Engineers standards is included in final-form § 211.171(e) (relating to general provisions for monitoring) and is sufficient to account for manufacturer specifications.

A commentator questioned the authority of the Board to establish a civil penalty program when it is not explicitly authorized by the explosives statutes. The Board has rulemaking authority under section 1920-A of The Administrative Code of 1929 to adopt rules and regulations for the proper performance of work by the Department, including authority to adopt rules and regulations authorized under sections 7 and 11 of Act 537 and sections 3 and 4 of Act 362. The statutory provisions authorize regulations necessary to effectuate the provisions of these

statutes that are not inconsistent with law. Upon further review, the Board determined that it would be more appropriate to implement a civil penalty program for nonmining blasting violations separately through a future rulemaking.

Several commentators provided feedback about specific requirements in the proposed civil penalty system. A commentator observed that the concept of “interference with a person’s right to the comfortable enjoyment of life or property” is subjective and cannot be consistently enforced. Commentators requested clarification about how civil penalty would be assessed under proposed § 211.204, and specifically how the cost to the Commonwealth would be determined under proposed § 211.204(b)(4), which is also an element of the existing civil penalty program for mining violations. Proposed § 211.204 was not adopted in this final-form rulemaking. These comments will be taken into account in the development of a future rulemaking to address civil penalties for nonmining explosives violations.

G. *Benefits, Costs and Compliance*

This final-form rulemaking updates the existing regulatory framework regarding blasting and explosives. The amendments will increase the cost of compliance, but provide more certainty to the regulated community with regard to operational requirements. The benefit to the public from improved public safety and documentation of blasting activities will outweigh the costs of compliance.

Benefits

This final-form rulemaking will improve public safety and provide consistency and clarity to the regulated community. The citizens of this Commonwealth will benefit through the enhancement of public safety.

This final-form rulemaking addresses blasting activities related to seismic exploration. While permits are currently required for this activity, a supplement to the Department’s blasting activity permit application form is necessary because detailed information is needed for site security and regulatory compliance. This seismic supplement form provides the applicant an opportunity to provide the detailed information. For example, it is often necessary for explosive charges to remain in the ground for extended periods of time—this final-form rulemaking specifies the security measures needed to protect the public safety under these circumstances. This final-form rulemaking codifies requirements, increases public safety and provides certainty to the regulated community regarding the regulatory framework for seismic exploration.

This final-form rulemaking also updates explosives use requirements to reflect current practices, eliminates outdated requirements and provides a more effective enforcement mechanism. For example, former regulations required permits to purchase explosives and permits to sell explosives to provide tracking for explosives transactions. The ATF has a robust system to do the same. The State requirement was outdated and is no longer needed since it was duplicative of the ATF’s tracking. The amended requirements will result in more consistency between the requirements for construction blasting and blasting for mining operations.

Compliance costs

The proposed rulemaking was expected to result in increased costs, specifically due to new or increased fees. However, after careful consideration, the Board did not adopt the proposed fee schedule amendments. The De-

partment will re-evaluate the fees and address necessary amendments in a subsequent rulemaking.

The additional improvements and clarifications in this final-form rulemaking are not expected to significantly increase costs and should in some instances provide a cost savings to the regulated community. Removing the State permitting requirement for the sale and purchase of explosives, as well as requirements to track those transactions, will result in a cost savings for the regulated community. Additional compliance costs that may result from site-specific factors that raise public safety concerns are highly variable and difficult to predict.

Compliance assistance plan

Compliance with this final-form rulemaking is expected to be seamless since many of the more stringent requirements are in place through permitting or are incremental changes to the existing requirements. Compliance assistance for this final-form rulemaking will be provided through routine interaction with trade groups and individual applicants.

Paperwork requirements

This final-form rulemaking requires additional information as part of a permit application for blasting related to seismic exploration. The additional requirements are more focused and clarify the current requirements. Other existing forms may need updating to reflect citation changes; this change does not increase paperwork requirements on the regulated community. This final-form rulemaking also requires that the regulated community make certain Federally-required records available for Department inspection; this requirement does not add additional paperwork on the regulated community that is not otherwise required by Federal law.

H. *Pollution Prevention*

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

I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 17, 2016, the Department submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 996 (February 27, 2016), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 18, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 19, 2018, and approved this final-form rulemaking.

K. Findings

The Board finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 46 Pa.B. 996.

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

L. Order

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

(1) The regulations of the Department, 25 Pa. Code Chapters 210 and 211, are amended by adding §§ 211.116, 211.117, 211.191—211.194, deleting §§ 211.122, 211.123, 211.131 and 211.132 and amending §§ 210.11, 210.13, 210.16, 210.17, 210.19, 211.101—211.103, 211.112, 211.113, 211.115, 211.121, 211.124, 211.125, 211.133, 211.141, 211.151, 211.152, 211.154, 211.158, 211.171, 211.172 and 211.182 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* The proposed amendments to §§ 210.15 and 211.155 and proposed §§ 210.20, 211.126 and 211.201—211.207 included in the proposed rulemaking have been withdrawn by the Board.)

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

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

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

(5) This order shall take effect immediately.

PATRICK McDONNELL,
Chairperson

(*Editor's Note:* See 48 Pa.B. 2731 (May 5, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-522 remains valid for the final adoption of the subject regulations.

Annex A

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

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 210. BLASTERS' LICENSES

§ 210.11. Definitions.

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

ATF—The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

Blaster—A person who is licensed by the Department under this chapter to detonate explosives and supervise blasting activities.

Blaster learner—An individual who is learning to be a blaster and who participates in blasting activities under the direct supervision of a blaster.

Blaster's license—A license to detonate explosives and supervise blasting activities issued by the Department under this chapter.

Demolition and demolition blasting—The act of wrecking or demolishing a structure with explosives.

Explosives—Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. The term includes all items in the "List of Explosive Materials" provided for in 27 CFR 555.23 (relating to list of explosive materials).

Limited—A classification of blaster's license applicable to persons who supervise the loading or detonate explosives in operations in which the use of explosives is not related to excavation or demolition.

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development from the surface down to the point where the mine opening connects with the mineral strata to be or being extracted.

Person—A natural person.

§ 210.13. General.

(a) A person may not detonate explosives or supervise blasting activities unless the person has obtained a blaster's license.

(b) A blaster's license will only be issued or renewed after it is verified that the applicant is in compliance with 18 U.S.C.A. Chapter 40 and 27 CFR Part 555 (relating to commerce in explosives).

(c) The Department may exempt certain individuals from needing a blaster's license if the person is detonating extremely small amounts of explosives for industrial or research purposes. The Department will consider a written request for an exemption from the person seeking the exemption.

(d) Upon request, a blaster shall exhibit a blaster's license to the following:

- (1) An authorized representative of the Department.
- (2) The blaster's employer or an authorized representative of the employer.
- (3) A police officer acting in the line of duty.
- (e) A blaster's license is not transferable.

§ 210.16. Examinations.

(a) The Department will conduct examinations for specific types of blasting, as specified in § 210.17(a) (relating to issuance and renewal of licenses).

(b) The Department will schedule and conduct examinations as needed.

(c) An applicant failing to appear for a scheduled examination forfeits the application fee unless the applicant provides written notice to the Department 2 weeks prior to the examination date or submits a valid medical excuse in writing.

(d) Refund of the fee or admittance to a subsequent examination without a reapplication fee will be at the discretion of the Department.

§ 210.17. Issuance and renewal of licenses.

(a) A blaster's license is issued for a specific classification of blasting activities. The classifications will be determined by the Department and may include general blasting (which includes all classifications except demolition, mine opening blasting and underground noncoal mining), trenching and construction, law enforcement, surface mining, underground noncoal mining, mine opening blasting, industrial, limited and demolition.

(b) A person may apply to amend the blaster's license for other classifications by meeting the requirements of § 210.14 (relating to eligibility requirements) and by submitting a complete application.

(c) A blaster's license will be issued for 3 years.

(d) A blaster's license is renewable if the blaster can demonstrate that he has had a minimum of 8 hours of continuing education in Department-approved courses related to blasting and safety within the 3-year period.

(e) The blaster's license may be renewed for a 3-year term by submitting a renewal application to the Department and a check for \$30, payable to the "Commonwealth of Pennsylvania."

(f) A person who intends to be a blaster and whose blaster's license was not renewed within 1 year of its expiration date shall apply for a new license under §§ 210.14—210.16 (relating to eligibility requirements; license application; and examinations).

(g) A person who conducted demolition blasting under a general blaster's license may conduct demolition blasting after July 14, 2001, by applying for and receiving a demolition blaster's license. The Department may waive the examination required under § 210.14 and the application fee if the blaster demonstrates at least 3 years of experience in demolition blasting. The demonstration must be in the form of a notarized statement from the blaster's employer that describes the blaster's experience.

§ 210.19. Suspension, modification and revocation.

The Department may issue orders suspending, modifying or revoking a blaster's license. Before an order is issued, the Department will give the blaster an opportu-

nity for an informal meeting to discuss the facts and issues that form the basis of the Department's determination to suspend, modify or revoke the license. The Department may suspend, modify or revoke a blaster's license for violations of this chapter and Chapters 77, 87, 88 and 211.

CHAPTER 211. STORAGE, HANDLING AND USE OF EXPLOSIVES

Subchapter A. GENERAL PROVISIONS

§ 211.101. Definitions.

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

ATF—The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

Access point—A point in the outer perimeter security and a point in the inner perimeter security that allows entry to or exit from the magazine or the magazine site.

Acts—Sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537) (73 P.S. §§ 157 and 161), section 3 of the act of July 10, 1957 (P.L. 685, No. 362) (73 P.S. § 166) and Reorganization Plan No. 8 of 1981 (71 P.S. § 751-35).

Airblast—An airborne shock wave resulting from an explosion, also known as air overpressure, which may or may not be audible.

At-the-hole communication—Communication between the driller who drilled the blast holes to be loaded in a blast and the blaster-in-charge of that blast in which the driller describes the conditions of the boreholes that the driller drilled. At-the-hole communication may consist of cones placed in the boreholes with messages describing borehole conditions or verbal communication in which the driller describes the condition of the boreholes.

Blast area—The area around the blast site that must be cleared and secured to prevent injury to persons and damage to property.

Blast site—The specific location where the explosives charges are loaded into the blast holes.

Blaster—An individual who is licensed by the Department under Chapter 210 (relating to blasters' licenses) to detonate explosives and supervise blasting activities.

Blaster-in-charge—The blaster designated to have supervision and control over all blasting activities related to a blast.

Blasting activity—The actions associated with the use of explosives from the time of delivery of explosives to a worksite until all postblast measures are taken, including priming, loading, stemming, wiring or connecting, detonating, and all necessary safety, notification and monitoring measures.

Building—A structure that is designed for human habitation, employment or assembly.

Charge weight—The weight in pounds of an explosive charge.

Concertina razor wire—Razor wire that is extended in a spiral for use as a barrier, such as along or on a fence and having a minimum of 101 coils of wire to 50 linear feet.

Cube root scaled distance (Ds^{1/3})—A value calculated by using the formula $Ds^{1/3} = D/(\text{cube root}) W$, where actual distance (D) in feet measured in a horizontal line from the blast site to the nearest building or structure not owned or leased by the blasting activity applicant, the permittee or their customers, is divided by the cube root

of the maximum weight of explosives (W) in pounds detonated per delay period of less than 8 milliseconds. Cube root scaled distance is used to estimate airblast levels.

Delay interval—The designed time interval, usually in milliseconds, between successive detonations.

Detonator—

(i) A device containing an initiating or primary explosive that is used for initiating detonation of explosives.

(ii) The term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord, delay connectors, and nonelectric instantaneous and delay blasting caps.

Explosives—Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. The term includes all items in the "List of Explosive Materials" provided for in 27 CFR 555.23 (relating to list of explosive materials).

FMCSA inspection—The inspection required by the Federal Motor Carrier Safety Administration in 40 CFR 396.3 (relating to inspection, repair, and maintenance).

Flyrock—Overburden, stone, clay or other material cast from the blast site through the air or along the ground, by the force of a blast, and which travels to one of the following areas:

(i) Beyond the blast area.

(ii) Beyond permit boundaries on blasting operations on mining permits issued under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b) or the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326).

Indoor magazine—A magazine located entirely within a secure intrusion-resistant and theft-resistant building which is primarily used for commercial or industrial purposes.

Inner perimeter security—Measures taken to increase the intrusion resistance and theft resistance of a magazine that encircles an individual or a group of magazines. These measures lie within the outer perimeter security measures.

MSHA—The United States Department of Labor, Mine Safety and Health Administration.

Magazine—A structure used for the storage of explosives.

Misfire—Incomplete detonation of explosives.

OSHA—The United States Department of Labor, Occupational Safety and Health Administration.

Outdoor magazine site—The contiguous area of land upon which the following are located: a magazine or group of magazines; the outer perimeter security, and the inner perimeter security, if any.

Outer perimeter security—Measures taken to increase the intrusion resistance of magazines that encircle the area where the magazines are situated.

Particle velocity—A measure of the intensity of ground vibration, specifically the time rate of change of the amplitude of ground vibration.

Peak particle velocity—The maximum intensity of particle velocity.

Person—A natural person, partnership, association or corporation, or an agency, instrumentality or entity of state government or a municipality.

Primer—A cartridge or package of high explosives into which a detonator has been inserted or attached.

Square root scaled distance (Ds)—A value calculated by using the formula $D_s = D/(\text{square root } W)$, where actual distance (D) in feet, measured in a horizontal line from the blast site to the nearest building or structure, neither owned nor leased by the blasting activity permittee or its customer, divided by the square root of the maximum weight of explosives (W) in pounds, that is detonated per delay period of less than 8 milliseconds. Square root scaled distance is used to estimate ground vibration.

Stemming—Inert material placed in a blast hole after an explosive charge for the purpose of confining the explosion gases to the blast hole, and inert material used to separate explosive charges in decked holes.

Structure—

(i) A combination of materials or pieces of work built or composed of parts joined together in some definite manner for occupancy, use or ornamentation.

(ii) The term includes everything that is built or constructed, including bridges, offices, water towers, silos and dwellings.

Utility line—An electric cable, fiber optic line, pipeline or other type of conduit used to transport or transmit electricity, gases, liquids and other media including information.

Wheeled vehicle—A vehicle that moves about on three or more wheels and has a gross vehicle weight of less than 11,000 pounds.

§ 211.102. Scope.

(a) This chapter applies to persons using or storing explosives and engaging in blasting activities in this Commonwealth. Persons storing explosives underground at permitted underground mines are exempt from this chapter. Persons conducting blasting underground at underground mines shall comply with § 211.151 (relating to prevention of damage or injury). The storage of explosives in magazines on the surface at an underground mine is subject to the applicable requirements of this chapter. The provisions of this chapter that are more stringent than the blasting provisions in Chapters 77, 87 and 88 (relating to noncoal mining; surface mining of coal; and anthracite coal) apply to blasting activities at coal or noncoal surface mines.

(b) Compliance with this chapter does not relieve a person who is engaged in blasting activities from compliance with other applicable laws or regulations of the Commonwealth.

§ 211.103. Enforcement.

(a) The Department may issue orders necessary to implement this chapter including an order to suspend, modify or revoke a license or permit authorized by this chapter, or to require corrective action for a violation identified in subsection (c).

(b) Before issuing an order modifying peak particle velocity or airblast limits in a blasting activity permit, the Department will first provide the permittee with an opportunity to meet and discuss modifications.

(c) It is a violation of this chapter to:

(1) Fail to comply with this chapter or Chapter 77, 87 or 88 (relating to noncoal mining; surface mining of coal; and anthracite coal), regarding storage and use of explosives.

(2) Fail to comply with any order or permit or license of the Department issued under this chapter or Chapter 77, 87 or 88.

(3) Hinder, obstruct or interfere with the Department or its personnel in the performance of any duty hereunder.

(4) Violate 18 Pa.C.S. § 4903 or § 4904 (relating to false swearing; and unsworn falsification to authorities).

(d) The Department will not issue a permit or license to any person who has done any of the following:

(1) Failed or continues to fail to comply with this chapter, a condition of a permit issued under this chapter or an order issued to enforce the requirements of this chapter.

(2) Demonstrated an inability or lack of intention to comply with this chapter as indicated by a past or continuing violation.

(3) Not complied with the 18 U.S.C.A. Chapter 40 and 27 CFR Part 555 (relating to commerce in explosives) and does not have an ATF license or permit, when required.

Subchapter B. STORAGE AND CLASSIFICATION OF EXPLOSIVES

§ 211.112. Magazine license and fees.

(a) A person storing explosives shall do so in a magazine licensed by the Department. A person may not construct, install or modify a magazine until the Department has issued or amended the license in writing. The licensee shall store explosives in accordance with the approved application, the license and this chapter.

(b) A magazine license will only be issued or renewed after it is verified that the applicant has complied with 18 U.S.C.A. Chapter 40 and 27 CFR Part 555 (relating to commerce in explosives) and is authorized as either a licensee or a permittee by the ATF. Verification can be provided by the applicant entering the ATF license or permit number on the license application.

(c) The license specifies the types and quantities of explosives to be stored in the magazine and any other condition necessary to ensure that the proposed activity complies with applicable statutes and this chapter.

(d) Licenses will be issued for a period of time set by the Department and the expiration date will appear on the license. If the Department receives a complete renewal application by the expiration date, the licensee may continue to operate under the current license until the Department acts on the renewal application.

(e) License fees are as follows:

(1) License:

(i) Application—\$50

(ii) Site inspection—\$50

(2) License modifications—\$50

(3) License renewals—\$50

(4) License transfers—no fee

§ 211.113. Application contents.

(a) An application to obtain, renew, modify or transfer a magazine license must be on forms approved by the Department. Before the Department issues, renews, transfers or modifies a license, the application must demonstrate that the applicant has complied with the applicable requirements of this chapter.

(b) A completed license application must include all of the following:

(1) The applicant's name, address, telephone number and ATF license or permit number.

(2) A contact person, including name, title and telephone number.

(3) The types and quantities of explosives to be stored within the magazine.

(4) A map, plan or a sketch of the site location showing the nearest buildings, nearest railways, nearest highways, existing barricades, if any, and proposed barricades.

(5) A plan showing the design and specifications of the magazine to be licensed.

(6) A plan showing the design, specifications, dimensions and locations of all security measures to be installed under § 211.115(d) (relating to standards for classifying and storing explosives and constructing, maintaining and siting magazines).

(7) The latitude and longitude of outdoor magazines except for Type 3 magazines as defined in 27 CFR 555.203(c) (relating to types of magazines).

(8) The latitude and longitude of indoor magazines containing high explosives.

(c) A license renewal application must include all of the following:

(1) The applicant's name, address and telephone number.

(2) A contact person, including name, title and telephone number.

(3) The maximum amount and type of explosives for which the magazine is currently licensed.

§ 211.115. Standards for classifying and storing explosives and constructing, maintaining and siting magazines.

* * * * *

(i) A licensee will be deemed to be in compliance with this section as to having deterred or obstructed, to the greatest extent possible, unauthorized intrusion upon a magazine site if the licensee constructs, installs, implements and maintains the security measures specified in subsection (d) which meet the requirements of this section and which are specified by the licensee in one of the following:

(1) A plan submitted to the Department under subsection (f).

(2) A plan submitted to and approved by the Department under subsection (g).

(3) A plan submitted to the Department under § 211.113(b)(6).

(j) All magazine licensees shall ensure that a person is available at all times to respond to emergencies and to provide the Department access to the licensed magazines for the purpose of determining regulatory compliance. Department access to the magazines shall be granted within 4 hours of a Department request or within a time

frame agreed upon by the Department representative and the magazine licensee. Department requests may be verbal or written.

§ 211.116. Decommissioning magazines.

Prior to the expiration or termination of a magazine license, the licensee shall remove and properly dispose of all explosives from the magazine and submit to the Department documentation as to the disposition of these explosives. This documentation shall be provided within 20 days of the expiration or termination of the magazine license.

§ 211.117. Daily summary of magazine transactions.

The licensee shall make records of inventory required under 27 CFR 555.122, 555.123, 555.124, 555.125 and 555.127 available to the Department upon request.

Subchapter C. PERMITS

§ 211.121. General requirements.

(a) Except as otherwise provided in this subchapter, a person may not engage in blasting activities in this Commonwealth without first obtaining the appropriate permit from the Department issued under this chapter.

(b) Permits under this chapter are not required for the use of fireworks governed by the act of May 15, 1939 (P.L. 134, No. 65) (35 P.S. §§ 1271—1278) (Repealed).

(c) A permit issued under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b) or the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), and the regulations promulgated thereunder, authorizing blasting activity acts as a blasting activity permit issued under this chapter.

(d) An application for a permit to conduct blasting activities must be on a form provided by the Department. A permit will not be issued unless the application is complete and demonstrates that the proposed activities comply with the applicable requirements of this chapter. The Department will notify applicants of an incomplete application and identify the items necessary to complete the application. The permittee shall comply with the approved application, the permit and this chapter.

(e) The Department will not issue a permit to a person who either:

(1) Fails to comply with this chapter or a condition of a permit issued under this chapter or an order issued to enforce this chapter.

(2) Demonstrates an inability or lack of intention to comply with this chapter as indicated by past or continuing violations.

(f) The permittee, the blasting contractor listed on the permit and the blaster-in-charge of any blasts conducted on a permit shall comply with the approved application, the permit and this chapter.

§ 211.122. (Reserved).

§ 211.123. (Reserved).

§ 211.124. Blasting activity permits.

(a) An application for a blasting activity permit shall be prepared by a blaster authorized by the Department to conduct the blasting proposed in the application and must include all of the following:

(1) The applicant's name, address, telephone number and type of business.

(2) The signature of the applicant or an authorized representative of the applicant.

(3) The ATF license or permit number of the applicant or the blasting contractor.

(4) The name, title and telephone number of a person who can be reached by the Department in the event of an emergency or other reason relating to the blasting activity permitted.

(5) The identity of independent subcontractors who will be performing the blasting activities.

(6) The specific types of explosives to be used.

(7) The maximum amount of explosives that will be detonated per delay interval of less than 8 milliseconds.

(8) The maximum amount of explosives that will be detonated in any one blast.

(9) The minimum square root scaled distance based on calculations made from actual site conditions except for demolition blasting operations where the cube root scaled distance must be used.

(10) A map indicating the location where the explosives will be used and the proximity of explosives use to public roads, buildings or other structures.

(11) The purpose for which the explosives will be used.

(12) The location and license number of the magazine that will be used to store the explosives, if applicable.

(13) A description of how the monitoring requirements of Subchapter G (relating to requirements for monitoring) will be satisfied.

(14) Proof that the permittee has third-party general liability insurance in the amount of \$1 million or greater per occurrence to cover the blasting activity. This requirement is not applicable if the permittee is a noncoal surface mine operator who produces no more than 2,000 tons (1,814 metric tons) of marketable minerals per year from all its noncoal surface mining operations.

(15) The anticipated duration of the blasting activity for which the permit is needed.

(16) The anticipated days of the week and times when blasting may occur.

(17) The distance in feet and direction in degrees to the building not owned by the permittee or its customer that will be closest to the blasting.

(18) Other information needed by the Department to determine compliance with applicable laws and regulations.

(19) The printed name, signature and license number of the blaster who prepared the application.

(20) Loading plans which describe ranges of bore hole diameters and their depths, burdens and spacings.

(21) Types of stemming material.

(b) Blasting activity permits are not transferable.

(c) The blasting activity permit must specify all of the following:

(1) The blasting activity permittee.

(2) Any independent subcontractors performing work under this permit.

(3) Limits on particle velocity and airblast.

(4) The types of explosives that may be used.

(5) The duration of the permit.

(6) Other conditions necessary to ensure that the proposed blasting activity complies with the applicable statutes and this chapter.

(d) The permittee may request extensions and modifications by submitting an amended application.

(e) The blaster-in-charge shall have in his possession a copy of the approved blasting activity permit authorizing the blasting activity being conducted. For blasting activities conducted on and authorized by permits issued under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b) or the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), possession of the blasting plan for that permit constitutes possession of a copy of the approved blasting activity permit authorizing the blasting activity being conducted.

§ 211.125. Blasting activity permit-by-rule.

(a) Except for blasting activities for the purpose of demolition or seismic exploration, a person will be deemed to have a permit for a blasting activity if:

(1) The blasts are designed and performed for a scaled distance of 90 or greater.

(2) No more than 15 pounds (6.81 kilograms) of explosives are detonated per delay interval of less than 8 milliseconds.

(3) The total charge weight per blast does not exceed 150 pounds (68.18 kilograms).

(4) The person notifies the Department either verbally, in writing or by other means approved by the Department prior to the initial blast. If the person gives verbal notification, a written notice shall be received by the Department within 5 working days. The notification must indicate all of the following information for all blasts that will occur under this permit:

- (i) The identity of the person.
- (ii) The location where the blasting will occur.
- (iii) The purpose of the blasting.
- (iv) The distance to the nearest building not owned or leased by the person or its customer.
- (v) The days of the week and times when blasting may occur.
- (vi) The duration of blasting activities under this permit-by-rule.
- (vii) The minimum scaled distance.
- (viii) The maximum weight of explosives detonated per delay period of less than 8 milliseconds.
- (ix) The maximum total weight of explosives per blast.
- (x) A contact person and telephone number.

(5) Blast reports are completed in accordance with § 211.133 (relating to blast reports).

(6) The other monitoring and performance standards of this chapter are met.

(b) The Department may revoke a blasting activity permit-by-rule under one of the following:

- (1) The permittee has demonstrated an unwillingness or inability to comply with the applicable regulations.
- (2) The blasting activity possesses a sufficient risk of harm to the public or the environment to warrant an individual blasting activity permit.

Subchapter D. RECORDS OF DISPOSITION OF EXPLOSIVES

§ 211.131. (Reserved).

§ 211.132. (Reserved).

§ 211.133. Blast reports.

(a) The blaster-in-charge shall prepare a report of each blast to provide the Department with sufficient information to reconstruct the conditions and events surrounding a blast. The Department may develop and require a blast report form to be used. The blasting activity permittee shall retain the blast report for at least 3 years and shall make the blast report available to the Department upon request. Blast reports must contain, at a minimum, all of the following:

- (1) The location of at least one corner of the blast pattern expressed in latitude and longitude.
- (2) The distance in feet and direction in degrees from the blast to the seismograph monitoring location.
- (3) The latitude and longitude and a brief description of the monitoring locations. If monitoring is conducted at a home or other building with a 911 address, the address of the structure must be provided.
- (4) The name of the blasting activity permittee and blasting contractor, if applicable.
- (5) The blasting activity permit or appropriate mining permit number.
- (6) The date and time of the blast.
- (7) The printed name, signature and license number of the blaster-in-charge.
- (8) The type of material blasted.
- (9) A sketch showing the number of blast holes, burden, spacing, pattern dimensions, delay timing sequence, description of the conditions of the area immediately surrounding the blast site which includes identifying if the area is solid rock, a muck pile from a previous blast or an open face, and point of initiation.
- (10) The diameter and depth of each blast hole.
- (11) The height or length of stemming and deck separation for each hole.
- (12) The amount of explosives loaded in each borehole.
- (13) The types of explosives used and arrangement in blast holes.
- (14) The total weight in pounds of explosives, product density for bulk blasting agents, weight of packaged blasting agents and primer cartridges used.
- (15) The maximum weight in pounds of explosives detonated per delay period of less than 8 milliseconds.
- (16) The type of circuit, if electric detonation was used.
- (17) The direction in degrees and distance in feet from the blast site to the nearest building not owned or leased by the blasting activity permittee or its customer.
- (18) A general description, including the street address and latitude and longitude, of the nearest building not owned or leased by the blasting activity permittee or its customer.
- (19) The square root scaled distance to the nearest building or other structure neither owned nor leased by the blasting activity permittee or its customer except for demolition blasting operations where the cube root scaled distance must be used.

- (20) The weather conditions.
- (21) The direction from which the wind was coming.
- (22) The measures taken to control flyrock, including whether or not mats were used.
- (23) The total quantity and type of detonators used and delays used.
- (24) The number of individuals in the blasting crew.
- (25) The maximum number of blast holes or portions of blast holes detonated per delay period less than 8 milliseconds.
- (26) A drill log showing the condition of all of the blast holes prior to loading and any other bore holes in the blast site.
- (27) The monitoring records required under § 211.173 (relating to monitoring records). Monitoring records shall be made part of the blast report within 30 days of the blast. Beginning July 14, 2004, monitoring records shall be made part of the blast report within 14 days of the blast. The Department may grant a waiver to allow monitoring records to be made part of the blasting record within 30 days of the blast if all blasts, regardless of scaled distance, are monitored and monthly summaries of these reports, including the information required under subsection (b), are provided. Monitoring records shall be made part of the blast report within 7 days, if requested by the Department.
- (28) If a misfire occurred, the actions taken to make the site safe as specified in § 211.157 (relating to postblast measures).

(b) The Department may require monthly summaries of these reports. The summaries must include the date and time of the blasts, scaled distance, peak particle velocity, airblast, monitoring location, amount and types of explosives used, and other information the Department deems necessary to ensure compliance with this chapter.

Subchapter E. TRANSPORTATION OF EXPLOSIVES

§ 211.141. General requirements.

The blasting activity permittee shall:

- (1) Immediately unload a vehicle carrying explosives upon reaching a magazine location. The unloaded vehicle shall be removed from the site. The only exception to this requirement is if the vehicle is a licensed magazine under Subchapter B (relating to storage and classification of explosives).
- (2) Load or unload explosives from a vehicle only after the engine is turned off, unless power is needed for the loading or unloading operation. The permittee shall take all precautions necessary, such as blocking the wheels, to prevent the movement of the vehicle while it is being loaded or unloaded.
- (3) Load explosives only into a vehicle that is marked in accordance with the Department of Transportation standards for placarding vehicles transporting explosives.
- (4) Prohibit smoking within 100 feet of a vehicle used for transporting explosives. "NO SMOKING" signs shall be posted when a vehicle containing explosives is parked at a blast site or magazine.
- (5) Load no more than 2,000 pounds (908 kilograms) of explosives into an open body vehicle for transporting. The ends and sides must be high enough to prevent explosives from falling off, and the load must be covered with a

fire-resistant tarpaulin, unless the explosives are transported in a magazine securely attached to the vehicle.

(6) Load explosives into a closed body vehicle if the load is more than 2,000 pounds (908 kilograms) of explosives.

(7) Only load explosives into a vehicle with a bed made of wood or other nonsparking material.

(8) Load explosives into a vehicle which is also transporting metal, metal tools, blasting machines or other articles or materials likely to damage the explosives, only if these items are separated from the explosives by substantial nonsparking bulkheads constructed to prevent damage to the explosives.

(9) Load detonators and other explosives into the same vehicle only if the detonators are in containers that conform to the current version of the Institute of Makers of Explosives' Safety Library Publication # 22 available from the Institute of Makers of Explosives, 1120 Nineteenth Street, N. W., Suite 310, Washington, DC 20036-3605.

(10) Not load explosives into the same vehicle with materials such as matches, firearms, electric storage batteries, corrosive compounds, flammable substances, acids, oxidizing agents and ammonium nitrate not in the original containers.

(11) Only load explosives into vehicles equipped with a fire extinguisher having a National Board of Underwriters Laboratories rating of 10 B:C or more. The fire extinguisher must be easily accessible and ready for immediate use.

(12) Load explosives into a vehicle so that explosives containers are not exposed to sparks or hot gases from the exhaust tailpipe. Exhaust systems that discharge upwards are recommended to avoid possible exposure of sparks or hot gases to explosives.

(13) Only load explosives into on-road vehicles that have passed the State safety inspection or certification or an FMCSA inspection.

(14) Only load explosives into off-road vehicles that are properly equipped to carry explosives.

(15) Remove explosives prior to conducting maintenance or repair work on vehicles containing explosives or detonators.

Subchapter F. BLASTING ACTIVITIES

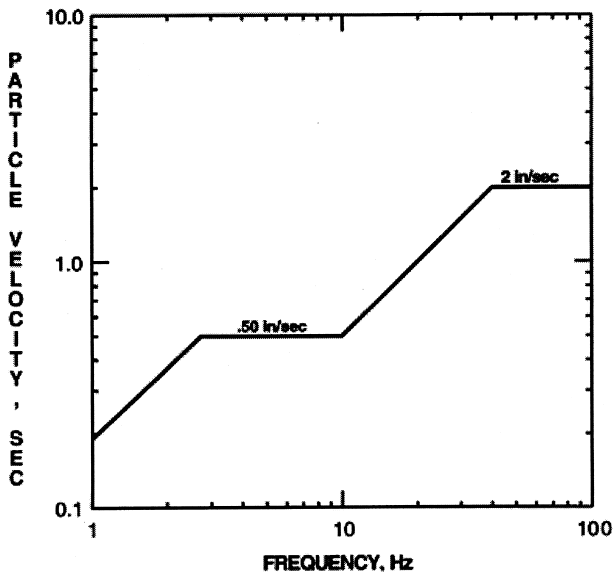
§ 211.151. Prevention of damage or injury.

(a) Blasting shall be conducted to prevent injury to persons or damage to private or public property except for property owned or leased by the permittee or its customer. If damage to property or injuries to persons occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the damage or injuries occurring.

(b) Blasting may not cause flyrock. If flyrock occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the flyrock.

(c) Blasts shall be designed and conducted in a manner that achieves either a scaled distance of 90 at the closest building or other structure designated by the Department or meets the allowable particle velocity as indicated by Figure 1 at any building or other structure designated by the Department. The scaled distance and allowable particle velocity does not apply at a building or other structure owned or leased by the permittee or its customer.

Figure 1.



(d) Blasts shall be designed and conducted to control airblast so that it does not exceed 133 dBL at any building or other structure designated by the Department unless the building is owned or leased by the permittee or its customer.

(e) Except on permits issued under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Department may establish an alternative particle velocity or airblast level at a building or other structure if it determines that either:

- (1) The alternative standard will provide for adequate protection of the building or other structure.
- (2) The owner of the building or the other structure waives the ground vibration limit in subsection (c) or the airblast limit in subsection (d).

(f) The blasting activity permittee shall notify the Department within 24 hours of learning that the allowable particle velocity or the maximum allowable airblast level are exceeded at any building or other structure designated by the Department.

(g) All blasting activities shall be conducted in a manner which prevents damage to utility lines.

§ 211.152. Control of gases, including carbon monoxide and oxides of nitrogen.

(a) A blast shall be conducted so that the gases generated by the blast, including carbon monoxide and oxides of nitrogen, do not affect the health or safety of individuals. Gas migration may be prevented or minimized by taking measures such as venting the gases to the atmosphere and interrupting the path along which gases may flow. Evacuating people from areas that may contain gases could prevent their health from being affected.

(b) The blasting activity permittee shall notify the Department within 4 hours if the gases generated by the blast affect the health or safety, or both, of individuals.

§ 211.154. Preparing the blast.

(a) The blasting activity permittee shall designate a blaster-in-charge for each blast. The blaster-in-charge shall control and supervise the blasting activity. A blaster-

in-charge is responsible for all effects of the blasts that the blaster-in-charge detonates. The blasting activity permittee is responsible for the effects of all blasts detonated under the blasting activity permit.

(b) Only equipment necessary for loading blast holes may be allowed to operate within 50 feet (15.24 meters) of the blast site. The Department may establish, in writing, a different distance limitation. If a written request for a lower distance limitation is submitted to the Department, the request must provide detailed information including why the lower distance limitation is necessary and how blast site safety will be maintained. The Department's written establishment for a lower distance limitation will include all necessary safety requirements.

(c) A blaster-in-charge may not prepare or detonate a blast unless another person is present, able and ready to render assistance in the event of accident or injury.

(d) The blaster-in-charge shall determine the condition of the material to be blasted from the individual who drilled the blast holes, from the drill log or at-the-hole communication prior to loading a blast. The permittee shall ensure that a written drill log or at-the-hole communication is available to the blaster-in-charge.

(e) Only the blaster-in-charge, other blasters and up to six assistants per blaster may be at a blast site once loading of blast holes begins.

(f) While loading a blast hole, the following measures shall be followed:

(1) Ferrous material may not be used in the blast hole unless the use is approved by the Department in writing. This includes the use of steel casings, ferrous tools and retrieving equipment.

(2) Only nonferrous, nonsparking tamping sticks may be used in loading a blast hole. Sectional poles connected by brass fittings are permitted, if only the nonferrous, nonsparking end of the pole is used for tamping. Retrieving hooks must be made from nonsparking metal such as brass or bronze.

(3) When using a pneumatic loading device, every precaution shall be taken to prevent an accumulation of static electricity. A loading operation shall be stopped immediately if static electricity or stray electrical currents are detected. The condition shall be remedied before loading may be resumed.

(4) The blast hole shall be carefully checked for obstructions with a nonferrous, nonsparking tamping pole, a tape, a light or a mirror before it is loaded. The use of magnifying mirrors is prohibited. Explosives may not be forced past an obstruction in a blast hole.

(5) Each blast hole shall be logged throughout the loading process to measure the amount and location of explosives placed in the blast hole. The information is to be recorded on the blast report required under § 211.133 (relating to blast reports).

(6) A blast hole containing loose dynamite shall be stemmed but not tamped.

(7) The Department may specify the type and amount of stemming.

(g) Before connecting one loaded blast hole to another, all activity within the blast area shall cease, and all nonessential persons shall retreat to a safe place. The blaster-in-charge shall determine the blast area.

(h) Primers shall be prepared only at the hole to be loaded, immediately prior to loading. The components of

the primer are to be kept separated at the collar of the blast hole. The primer may not be slit, dropped, deformed or carelessly handled and may not be tamped or forced into the blast hole.

(i) Immediately upon completing the loading of a blast hole, any wood, paper or other materials used to pack explosives shall be inspected for the presence of explosives and removed to an isolated area. These materials may be burned after the blast has been fired. Persons may not be within 100 feet (30.48 meters) of these burning materials.

(j) Measures shall be taken to reduce the chance of flyrock including:

(1) The use of blasting mats or other protective devices, if, in the opinion of the blaster-in-charge, the measures are necessary to prevent injuries to persons or damage to property.

(2) When blasting to an open, vertical face, checking the face for loose, hanging material or other faults prior to loading the blast holes.

(k) Explosives may not be brought to a blast site in greater quantities than are expected to be needed for that blast. Surplus explosives may not be stored in the blast area.

(l) Before a blast hole is loaded, it shall be checked to ensure that it is cool and does not contain any hot metal or smoldering material remaining from drilling the hole.

(m) The use of abrasive or sharp-edged constituents in stemming material shall be avoided if tamping is necessary and the tamping may sever blasting cap leg wires, shock tubes or detonating cords.

(n) The permittee shall ensure that public highways and entrances to the areas where blasting will occur are barricaded and guarded if the highways and entrances to areas where blasting will occur are located within 800 feet of a point where a blast is about to be fired. The permittee may use an alternative measure to this requirement if the permittee demonstrates, to the Department's satisfaction, that the alternative measure is at least as effective at protecting persons and property from the adverse effects of a blast. Alternative measures are measures such as:

(1) Slowing or stopping traffic in coordination with appropriate State or local authorities, including local police.

(2) Using mats to suppress flyrock.

(3) Designing the blast to prevent damage or injury to persons and property located on the public highways or at the operation's entrances by using design elements such as:

(i) Orienting the blast so that the direction of relief is away from public highways or operation entrances.

(ii) Adjusting blast design parameters including:

(A) The diameter of holes.

(B) The number of rows.

(C) The number of holes.

(D) The amount and type of explosive.

(E) The burden and spacing.

(F) The amount and type of stemming.

(G) The powder factor.

(o) The permittee shall post signs at access points of all approaches to a blast site which clearly warn of explosive use. If there are no specific access points, a minimum of four signs shall be posted on all sides of the blast site at a distance of 100 feet from the blast site. Posting of signs shall comply with 29 CFR 1926.905(p) (relating to loading of explosives or blasting agents), 30 CFR 56.6306(a) (relating to loading, blasting, and security) or 30 CFR 77.1303(g) (relating to explosives, handling and use), as applicable.

§ 211.158. Mudcapping.

Mudcapping in blasting activities is allowed only if the blaster-in-charge determines that drilling the material to be blasted would endanger the safety of the workers. If mudcapping is necessary, no more than 1 pound (0.454 kilogram) of explosives shall be used for a blast.

Subchapter G. REQUIREMENTS FOR MONITORING

§ 211.171. General provisions for monitoring.

(a) If the square root scaled distance of a blast is 90 or numerically less at the closest building not owned or leased by the blasting activity permittee or its customer, ground vibration and airblast monitoring shall be conducted. The Department may require the permittee to conduct ground vibration and airblast monitoring at other buildings or structures even if the scaled distance is greater than 90.

(b) If monitoring is required, a ground vibration and airblast record of each blast shall be made part of the blast report.

(c) If monitoring is performed with instruments that have variable "trigger levels," the trigger for ground vibration shall be set at a particle velocity of no more than 0.25 inch per second unless otherwise directed by the Department.

(d) If the peak particle velocity and airblast from a blast are below the set trigger level of the instrument, a printout from the instrument must be attached to the blast report. This printout must provide the date and time when the instrument was turned on and off, the set trigger levels and information concerning the status of the instrument during the activation period. When an instrument is used that does not provide this information, the Department will allow the permittee to supply on/off times on a signed statement.

(e) Blasting seismographs shall be deployed in the field according to the guidelines established by the International Society of Explosives Engineers' Standards Committee.

§ 211.172. Monitoring instruments.

(a) If monitoring is required, the monitoring instrument must provide a permanent record of each blast.

(b) The monitoring instrument must be constructed to meet the guide established by the International Society of Explosives Engineers' Standards Committee.

(c) A monitoring instrument shall be calibrated annually and when an instrument is repaired and the repair may affect the response of the instrument. Calibration shall be done by the manufacturer of the equipment, by an organization approved by the manufacturer or by an organization having verifiable knowledge of the calibration procedures developed by the manufacturer. The calibration procedure shall include testing the response of the entire system to externally-generated dynamic inputs. These inputs must test the entire monitoring system at a

sufficient number of discrete frequency intervals to assure flat response throughout the frequency ranges specified by this chapter. Dynamic reference standards used for calibration shall be traceable to the National Institute of Standards and Technology. Calibration procedures and documentation of calibration shall be made available for review by the Department.

(d) A nonalterable sticker that is clearly visible must be firmly affixed to the instrument. The sticker must indicate the name of the calibration facility, the calibration technician, the date of calibration and frequency range of the airblast monitor.

Subchapter H. BLASTING ACTIVITIES NEAR UNDERGROUND UTILITY LINES

§ 211.182. General provisions.

(a) Prior to conducting blasting activities within 200 feet of an underground utility line, the blasting activity permittee shall ensure that the owner of the line is notified of the blasting activities and demonstrate to the Department that that notification has been made.

(b) Blasts shall be designed and conducted so that they provide the greatest relief possible in a direction away from the utility line and to keep the resulting vibration and actual ground movement to the lowest possible level.

(c) Blasting in the vicinity of a utility line shall be conducted as follows:

(1) Excavation from the ground surface to a depth corresponding to the elevation of the top of the buried utility line may proceed at the discretion of the blaster-in-charge, using safe, accepted techniques.

(2) Once the excavation has attained a depth equal to the elevation of the top of the buried utility line or if the line is exposed, or makes solid contact with the surface, the vertical depth of subsequent blast holes shall be restricted to 1/2 the horizontal distance from the closest portion of the utility line.

(d) If one or more of the requirements in this section are not feasible or create a potential safety problem, the permittee may apply to the Department for a waiver of the provision or provisions in question. This waiver will be granted if, in the judgment of the Department and the utility owning the lines, the alternate procedure does not endanger the utility line.

Subchapter I. SEISMIC EXPLORATION

Sec.
 211.191. Scope.
 211.192. Permits.
 211.193. Blasting records.
 211.194. General requirements for handling explosives on a seismic exploration operation.

§ 211.191. Scope.

This subchapter applies to seismic exploration activities which employ explosives. Unless otherwise specified, Subchapters A—H apply to persons engaging in seismic exploration activities using explosives.

§ 211.192. Permits.

In addition to the requirements in Subchapter C (relating to permits), an application for a blasting activity permit for seismic exploration must include all of the following:

(1) A detailed plan describing how explosives loaded in the ground will be kept under the control of the permittee, secured against being compromised, detonated, unearthed or otherwise tampered with.

(2) The maximum time, in days, that explosives will be allowed to remain in the borehole from loading until detonation.

(3) A map clearly delineating all of the areas where the placement of explosives charges is planned and the footprint of any mining permits where mining, reclamation or water treatment are occurring, or may occur, within 500 feet of where the placement of explosives charges is planned.

(4) Detailed information, including data sheets and warranty information, on the explosives products to be used.

§ 211.193. Blasting records.

In addition to the requirements of § 211.133 (relating to blast reports), blast reports on seismic exploration operations must contain, at a minimum, all of the following:

(1) The time and date the explosives were loaded into holes.

(2) The blaster-in-charge who supervised or loaded the charges, or both.

(3) The specific location of the loading of the charges, expressed in latitude and longitude.

(4) The blaster-in-charge who detonated the charges.

(5) The time and date the charges were detonated.

§ 211.194. General requirements for handling explosives on a seismic exploration operation.

(a) Section 211.153(e) and (f) (relating to general requirements for handling explosives) is not applicable to the handling and use of explosives for seismic exploration operations.

(b) Except as specified in subsection (a), in addition to the requirements of Subchapter F (relating to blasting activities), all of the following provisions apply to the handling and use of explosives on seismic exploration operations:

(1) All explosives loaded into boreholes shall either be detonated or removed from the borehole after the maximum number of days specified in the applicable blasting activity permit.

(2) Explosives charges may not be placed closer than 300 feet from any building or other structure designated by the Department unless authorized by the Department.

(3) All detonators used in seismic exploration operations must employ the best technology available for security and functionality under the conditions into which the detonators are loaded.

(4) Explosives may not be placed on areas permitted for mining activities under Chapter 77 or 86 (relating to noncoal mining; and surface and underground coal mining; general) without prior Department approval. To obtain Department approval to place explosives on area permitted for mining activities, the permit applicant shall provide information including all of the following:

(i) Demonstration of authorization to place explosives charges and to conduct activities on the site.

(ii) A plan to ensure the safety and security of explosives charges on the mining permit from loading through detonation of the charges.

(iii) A map detailing the specific location of where charges are to be placed on the mining permit area.

(iv) If the MSHA-required training is necessary, how and when that training will be obtained and who will

obtain the training. The permittee shall provide written documentation of the training to the Department prior to entry onto the mining permit.

(5) The permittee is responsible for the security of all charges in the ground to prevent the charges from being detonated, removed or otherwise tampered with. The permittee shall secure all explosives charges in accordance with the approved blasting activity permit.

(6) For all incidents where explosives are loaded into boreholes and have had their functionality compromised by loading, handling or manufacturing defects, the permittee shall remove the explosives from the borehole or place them in place.

(7) The permittee may not allow explosives charges to remain in the ground for more than 1 year.

[Pa.B. Doc. No. 18-959. Filed for public inspection June 22, 2018, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 1401]

General Sports Wagering Provisions; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13C02 and 13C03 (relating to regulatory authority; and temporary sports wagering regulations), promulgates regulations regarding the relevant terms associated with sports wagering implementation in this Commonwealth, as well as delineating the petition requirements for slot machine licensees seeking to offer sports wagering in this Commonwealth to read set forth in Annex A.

Purpose of this Temporary Rulemaking

This temporary rulemaking defines the relevant terms associated with sports wagering implementation in this Commonwealth, as well as delineating the petition requirements for slot machine licensees seeking to offer sports wagering in this Commonwealth.

Explanation of Chapter 1401

Chapter 1401 (relating to general sports wagering provisions—temporary regulations) provides definitions of the terms associated with sports wagering implementation in this Commonwealth, as well as delineating the petition requirements for slot machine licensees seeking to offer sports wagering in this Commonwealth.

Affected Parties

This temporary rulemaking provides interested parties information relative to who and what entities may participate in sports wagering in this Commonwealth and the petition process for slot machine licensees seeking to offer sports wagering in this Commonwealth.

Fiscal Impact

Commonwealth

The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Petitions for sports wagering certificates will be reviewed by existing Board staff.

Political subdivisions

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding that is mandated by the act of January 7, 2010 (P.L. 1, No. 1).

Private sector

This temporary rulemaking defines the relevant terms associated with sports wagering implementation in this Commonwealth, as well as delineating the petition requirements for slot machine licensees seeking to offer sports wagering in this Commonwealth. It is anticipated that this temporary rulemaking will have an impact only on those individuals seeking to acquire these certificates, the impact being for licensing costs which will be recouped through proceeds from the provision of sports wagering.

General public

This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

Individuals eligible for a sports gaming certificate will have to file a petition with the Board seeking approval to conduct this activity. The contents of a petition are set forth in Annex A.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after publication in the *Pennsylvania Bulletin* to Laura R. Burd, Senior Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-216.

Contact Person

The contact person for questions about this temporary rulemaking is Laura R. Burd, Senior Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. §§ 13C02 and 13C03, the Board has the authority to promulgate temporary regulations to facilitate the prompt implementation of sports wagering in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13C03, these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. §§ 13C02 and 13C03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Com-

monwealth Documents Law and sections 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The temporary regulations of the Board, 58 Pa. Code, are amended by adding §§ 1401.1—1401.4 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board’s web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on June 23, 2020.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-216. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart Q. SPORTS WAGERING

Chap. 1401. GENERAL SPORTS WAGERING PROVISIONS—TEMPORARY REGULATIONS

CHAPTER 1401. GENERAL SPORTS WAGERING PROVISIONS—TEMPORARY REGULATIONS

- Sec. 1401.1. Scope.
- 1401.2. Definitions.
- 1401.3. Initial and renewal authorization and license fees.
- 1401.4. Sports wagering certificate petition and standards.

§ 1401.1. Scope.

The purpose of this subpart is to govern the operation of sports wagering in this Commonwealth. The purpose of this chapter is to establish definitions for this subpart and create the process by which a slot machine licensee can seek approval to conduct sports wagering. The act and the Board’s regulations promulgated thereunder shall otherwise apply when not in conflict with this subpart.

§ 1401.2. Definitions.

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

Associated equipment—Any equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with sports wagering, including equipment which affects the proper reporting and counting of gross sports wagering revenue and computerized systems for controlling and monitoring sports wagering.

Cash equivalent—An asset that is readily convertible to cash, including any of the following:

- (i) Chips or tokens.
- (ii) Travelers checks.

(iii) Foreign currency and coin.

(iv) Certified checks, cashier’s checks and money orders.

(v) Personal checks or drafts.

(vi) A negotiable instrument applied against credit extended by a certificate holder, an interactive gaming operator, sports wagering operator or a financial institution.

(vii) A prepaid access instrument.

(viii) Any other instrument or representation of value that the Board deems a cash equivalent.

Certificate holder—A slot machine licensee granted a certificate by the Board to conduct sports wagering in this Commonwealth.

Gaming employee—An employee of any of the following who the Board determines, after a review of the work to be performed, requires a gaming employee permit for the protection of the integrity of sports wagering within this Commonwealth:

- (i) A certificate holder, interactive gaming operator licensee or sports wagering operator licensee.
- (ii) A sports wagering manufacturer.
- (iii) A sports wagering supplier
- (iv) A sports wagering gaming service provider.
- (v) Any other person as determined by the Board.

Gaming school—Any educational institution approved by the Department of Education as an accredited college or university, community college, Pennsylvania private licensed school or its equivalent and whose curriculum guidelines are approved by the Department of Labor and Industry to provide education and job training related to employment opportunities associated with sports wagering, including sports wagering devices and associated equipment maintenance and repair.

Gross sports wagering revenue—

(i) The total of cash or cash equivalents received from sports wagering minus the total of:

(A) Cash or cash equivalents paid to players as a result of sports wagering.

(B) Cash or cash equivalents paid to purchase annuities to fund prizes payable to players over a period of time as a result of sports wagering.

(C) The actual cost paid by the sports wagering certificate holder for any personal property distributed to a player as a result of sports wagering. This clause does not include travel expenses, food, refreshments, lodging or services.

(ii) The term does not include any of the following:

(A) Counterfeit cash or chips.

(B) Coins or currency of other countries received as a result of sports wagering, except to the extent that the coins or currency are readily convertible to cash.

(C) Cash taken in a fraudulent act perpetrated against a sports wagering certificate holder for which the sports wagering certificate holder is not reimbursed.

Key employee—Any individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate sports wagering operations or systems, including the director of sports wagering, director of sports wagering system pro-

grams or other similar job classifications associated with sports wagering and any employee who is not otherwise designated as a gaming employee and who supervises the operations or systems of the sports wagering department or to whom the sports wagering department directors or sports wagering department heads report and other positions not otherwise designated or defined under this part which the Board determines based on detailed analyses of job descriptions as provided in the internal controls of the sports wagering certificate holder or sports wagering operator licensee as approved by the Board. All other gaming employees unless otherwise designated by the Board shall be classified as nonkey employees.

Player—An individual wagering cash, a cash equivalent or other thing of value in the play or operation of sports wagering, including during a contest or tournament, the act of which may deliver or entitle the individual to receive cash, a cash equivalent or other thing of value from another player or sports wagering certificate holder, interactive gaming operator or sports wagering operator.

Registered player—An individual who has entered into a sports wagering account agreement with a sports wagering certificate holder, interactive gaming operator or sports wagering operator.

Sporting event—A professional or collegiate sports or athletic event, a motor race event or other similar event as determined by the Board.

Sports wagering—

(i) The business of accepting wagers on sporting events or on the individual performance statistics of athletes in a sporting event or combination of sporting events by any system or method of wagering, including over the Internet through web sites and mobile applications when authorized by the Board. The term includes exchange wagering, parlays, over-under, moneyline, pools and straight bets.

(ii) The term does not include:

(A) Pari-mutuel betting on the outcome of thoroughbred or harness horse racing as authorized under 3 Pa.C.S. Chapter 93 (relating to race horse industry reform).

(B) Lottery games of the Pennsylvania State Lottery as authorized under the State Lottery Law (72 P.S. §§ 3761-101—3761-2103).

(C) Bingo as authorized under the Bingo Law (10 P.S. §§ 301—308.1).

(D) Small games of chance as authorized under the Local Option Small Games of Chance Act (10 P.S. §§ 328.101—328.3101).

(E) Slot machine gaming and progressive slot machine gaming as defined and authorized under this part.

(F) Table games.

(G) Keno.

(H) Fantasy contests.

(I) iLottery under 4 Pa.C.S. Chapter 5 (relating to lottery).

Sports wagering area—

(i) The physical land-based location at which a certificate holder is authorized, under sections 13C01—13C71

of the act (relating to sports wagering), to conduct non-Internet-based sports wagering. The area must be:

(A) A designated area within the certificate holder's slot machine licensed facility, as approved by the Board.

(B) A Board-approved temporary facility that is physically connected to, attached to or adjacent to the certificate holder's slot machine licensed facility for a period not to exceed 18 months.

(C) A nonprimary location of a Category 1 slot machine licensee under 3 Pa.C.S. Chapter 93 upon Board approval in consultation with the State Horse Racing Commission.

(ii) The term does not include a redundancy facility or an interactive gaming or interactive sports wagering restricted area which is not located on the premises of a licensed facility as approved by the Board and which is maintained and operated by a certificate holder, interactive gaming operator or sports wagering operator in connection with sports wagering.

Sports wagering certificate—A certificate awarded by the Board under this subpart that authorizes a slot machine licensee to conduct sports wagering in accordance with this subpart.

Sports wagering certificate holder—A slot machine licensee to whom the Board has awarded a sports wagering certificate.

Sports wagering device—Any mechanical, electrical or computerized contrivance, terminal, machine or other device, apparatus, equipment or supplies approved by the Board and used to conduct sports wagering.

Sports wagering gaming service provider—A person that is not required to be licensed as a sports wagering operator, interactive gaming operator, sports wagering manufacturer, sports wagering supplier, interactive gaming manufacturer or interactive gaming supplier and:

(i) Provides goods or services to a sports wagering certificate holder, interactive gaming operator or sports wagering operator for the operation of sports wagering.

(ii) Is determined to be a sports wagering gaming service provider by the Board.

Sports wagering interactive system—All hardware, software and communications that comprise a type of server-based sports wagering system for the purpose of offering authorized sports wagering, mobile sports wagering or interactive sports wagering in this Commonwealth when authorized by the Board.

Sports wagering interactive web site—The interactive gaming skin through which a sports wagering certificate holder, or interactive gaming operator or sports wagering operator on behalf of a sports wagering certificate holder, makes authorized sports wagering, mobile sports wagering or interactive sports wagering available for play when authorized by the Board.

Sports wagering manufacturer—A person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, sells, leases, offers or otherwise makes modifications to any authorized sports wagering device or associated equipment for use or operation in this Commonwealth for sports wagering purposes.

Sports wagering manufacturer license—A license issued by the Board authorizing a sports wagering manufacturer to manufacture, build, rebuild, fabricate, assemble, produce, program, design, sell, lease, offer or otherwise make

modifications to any authorized sports wagering device or associated equipment for use or operation in this Commonwealth for sports wagering purposes.

Sports wagering operator—A person licensed by the Board to operate sports wagering, a mobile sports wagering system or an interactive sports wagering system, through the provision of an interactive gaming or sports wagering platform, on behalf of sports wagering certificate holder. The term includes an interactive gaming operator applicant or licensee that seeks to operate sports wagering, mobile sports wagering or an interactive sports wagering system on behalf of sports wagering certificate holder.

Sports wagering platform—The combination of hardware and software or other technology designed and used to manage, conduct and record mobile sports wagering or interactive sports wagering activity as approved by the Board. The term includes any emerging or new technology deployed to advance the conduct and operation of sports wagering, mobile sports wagering or interactive sports wagering activity as approved through regulation by the Board.

Sports wagering restricted area—Any room or area, as approved by the Board, used by a sports wagering certificate holder, interactive gaming operator or sports wagering operator to manage, control and operate sports wagering, including, when approved by the Board, redundancy facilities and remote gaming server locations.

Sports wagering supplier—

(i) A person who provides, distributes or services any authorized sports wagering device or associated equipment for use or operation in this Commonwealth for sports wagering purposes that is not otherwise required to be licensed as a sports wagering manufacturer.

(ii) The term includes a person that provides risk management services, integrity services or odds to a sports wagering certificate holder or sports wagering operator licensee.

(iii) The term does not include a person that provides raw data to a sports wagering certificate holder or sports wagering operator licensee.

Sports wagering supplier license—A license issued by the Board authorizing a sports wagering supplier to provide products or services related to any authorized sports wagering device or associated equipment or that provides risk management services, integrity services or odds to a sports wagering certificate holder or sports wagering operator licensee for use or operation in this Commonwealth for sports wagering purposes.

§ 1401.3. Initial and renewal authorization and license fees.

(a) Prior to the Board issuing a sports wagering certificate, an interactive gaming operator license, sports wagering operator license or renewal thereof, the sports wagering certificate holder, interactive gaming operator licensee or sports wagering operator licensee shall pay the authorization or license fee.

(b) If an interactive gaming operator licensee has already remitted the required licensing fee, the Board will not assess an additional fee for the interactive gaming operator licensee to acquire a sports wagering operator license.

§ 1401.4. Sports wagering certificate petition and standards.

(a) A slot machine licensee seeking to offer sports wagering in this Commonwealth may petition the Board for a sports wagering certificate.

(b) A petitioner for a sports wagering certificate shall submit all of the following to the Board:

(1) The name, business address and contact information of the slot machine licensee petitioning for a sports wagering certificate.

(2) The name, business address and contact information of any affiliate, sports wagering operator or other person that will be a party to an agreement with the sports wagering certificate petitioner related to the operation of sports wagering on behalf of the sports wagering certificate petitioner and a description of the services to be provided.

(3) The name and business address, job title and a photograph of each principal and key employee of the sports wagering petitioner who will be involved in the conduct of sports wagering and whether or not the principal or key employee is currently licensed by the Board.

(4) A statement identifying what types of sports wagering, including the sporting events, the sports wagering certificate petitioner intends to offer.

(5) A statement identifying whether the sports wagering petitioner intends to offer land-based sports wagering, mobile sports wagering, interactive sports wagering or a combination thereof.

(6) A statement identifying whether the sports wagering petitioner intends to utilize a temporary facility for its land-based sports wagering operations or system.

(7) If the petitioner is a Category 1 slot machine licensee, a statement identifying whether the sports wagering petitioner intends to offer land-based sports wagering in a nonprimary location.

(8) The estimated number of full-time and part-time employment positions that will be created as a result of sports wagering if a sports wagering certificate is issued.

(9) An updated hiring plan under section 1510(a) of the act (relating to labor hiring preferences) which outlines the sports wagering certificate petitioners plan to promote the representation of diverse groups and Commonwealth residents in the employment positions.

(10) A brief description of the economic benefits expected to be realized by the Commonwealth if a sports wagering certificate is issued.

(11) The details of any financing obtained or that will be obtained to fund an expansion or modification of the sports wagering certificate petitioner's licensed facility to accommodate sports wagering and to otherwise fund the cost of commencing sports wagering.

(12) Information and documentation concerning financial background and resources to establish the financial stability, integrity and responsibility of the sports wagering certificate petitioner.

(13) Information and documentation concerning the terms of any agreement with a sports wagering operator.

(14) Information and documentation to establish that the sports wagering certificate petitioner has sufficient business ability and experience to conduct a successful sports wagering operation, including the sports wagering certificate petitioner's history in slot machine and table game operations, employment data and capital investment in casino operations.

(15) Information and documentation that the sports wagering certificate petitioner has or will have the financial ability to pay the sports wagering authorization fee.

(16) Detailed site plans identifying the proposed sports wagering area and sports wagering restricted area, including security and surveillance plans and plans relative to compliance with the Clean Indoor Air Act (35 P.S. §§ 637.1—637.11).

(17) An overview of all of the following:

(i) The sports wagering certificate petitioner's initial system of internal and accounting controls applicable to sports wagering including the areas described in paragraph (16).

(ii) The sports wagering certificate petitioner's proposed standards to protect, with a reasonable degree of certainty, the privacy and security of its registered players.

(iii) The sports wagering devices and associated equipment and mobile sports wagering or interactive sports wagering system, or both, that the sports wagering certificate petitioner plans to or will utilize to manage, administer or control its sports wagering operations or systems as well as the identity of any third parties providing these devices and associated equipment.

(18) A description of accounting systems, including accounting systems for all of the following:

(i) Sports wagering accounts.

(ii) Per wager charges, if applicable.

(iii) Transparency and reporting to the Board and the Department.

(iv) Ongoing auditing and internal control compliance reviews.

(19) A description outlining the impact that sports wagering petitioner's plans will have on the number of slot machines and table games in operation at its licensed facility.

(20) An overview of any necessary additions to the petitioner's Compulsive and Problem Gambling Plan necessitated by sports wagering.

(c) The Board will approve a sports wagering petition if the petitioner establishes all of the following by clear and convincing evidence:

(1) The petitioner's slot machine license and table game operation certificate are in good standing with the Board.

(2) The conduct of sports wagering at the petitioner's licensed facility will increase revenues and employment opportunities.

(3) The petitioner possesses adequate funds or has secured adequate financing to:

(i) Fund any necessary expansion or modification of the petitioner's licensed facility to accommodate the conduct of sports wagering.

(ii) Pay the authorization fee in accordance with section 13C61 of the act (relating to sports wagering authorization fee).

(iii) Commence sports wagering operations or system at its licensed facility.

(4) The petitioner has the financial stability, integrity and responsibility to conduct sports wagering.

(5) The petitioner has sufficient business ability and experience to create and maintain a successful sports wagering operation.

(6) The petitioner's proposed internal and external security and proposed surveillance measures within the area of the licensed facility where the petitioner seeks to conduct sports wagering are adequate.

(7) The petitioner has satisfied the petition requirements.

[Pa.B. Doc. No. 18-960. Filed for public inspection June 22, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 231]

Minimum Wage

In accordance with sections 5(a)(5) and 9 of The Minimum Wage Act of 1968 (act) (43 P.S. §§ 333.105(a)(5) and 333.109), the Department of Labor and Industry (Department) publishes this proposed rulemaking for the purpose of carrying out the act and safeguarding the minimum wage rates established thereby. The Department publishes this proposed rulemaking for minimum wages under the act to read as set forth in Annex A.

Statutory Authority

This proposed rulemaking is issued under the authority in section 5(a) of the act, which requires the Secretary of the Department (Secretary) to define “bona fide executive,” “administrative” and “professionals,” and section 9 of the act which provides:

The secretary shall enforce this act. The secretary shall make and, from time to time, revise regulations, with the assistance of the board, when requested by the secretary, which shall be deemed appropriate to carry out the purposes of this act and to safeguard the minimum wage rates thereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative, or professional employees and outside salespersons, learners and apprentices, their number, proportion, length of learning period, and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employee relationship.

Background

The act provides three exemptions from the minimum wage and overtime provisions of the act for individuals employed in executive, administrative and professional capacities. Section 5(a)(5) of the act specifically authorizes the Secretary to define these exemptions by regulation.

Section 231.82 (relating to executive) currently defines “executive” as individuals who: 1) manage and supervise at least two people; 2) have the power to, at least, recommend decisions that would affect the employment status of individuals; 3) customarily exercise discretionary powers; 4) spend no more than 20%, or 40% in the case of retail or service establishments, performing duties other than those in paragraphs (1)—(3); and 5) are compensated at a salary of at least \$155 per week except that individuals whose primary duties consist of performing the duties in paragraph (1) are compensated at \$250 per week.

Section 231.83 (relating to administrative) currently defines “administrative” as individuals who: 1) have a primary duty consisting of office or nonmanual work directly related to management policies or the general operation of the employer or customers of the employer; 2) customarily and regularly exercise independent judge-

ment; 3) regularly and directly assist another employee employed in executive or administrative capacities or perform, under general supervision, work along specialized lines or execute special assignments and tasks; 4) spend no more than 20%, or 40% in the case of retail of service establishments, performing duties other than those in paragraphs (1)—(3); and 5) are paid at a salary of at least \$155 per week except that individuals whose primary duties consist of performing the duties in paragraph (1) are compensated at \$250 per week.

Section 231.84 (relating to professional) currently defines “professional” as individuals who: 1) have a primary duty consisting of the performance of work requiring specialized knowledge or work that is original or creative in an artistic field; 2) perform work requiring the consistent exercise of discretion; 3) perform work that is intellectual and varied; 4) spend no more than 20% of the work week performing duties other than those in paragraphs (1)—(3); and 5) are compensated at a salary or fee basis of at least \$170 per week except that individuals whose primary duties consist of performing the duties in paragraph (1) are compensated at \$250 per week.

In addition to the act, the requirement to pay employees a minimum wage and overtime is in the Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C.A. §§ 201—219). Section 13(a)(1) of the FLSA (29 U.S.C.A. § 213(a)(1)) also contains the same executives, administrative personnel and professionals (EAP) exemptions from its minimum wage and overtime provisions. The United States Department of Labor regulations in 29 CFR Part 541, Subparts B—D (relating to executive employees; administrative employees; and professional employees) define these exemptions, which creates a dual regulatory scheme. The Commonwealth’s current regulations defining the act’s EAP exemptions differ from the United States Department of Labor regulations defining the FLSA’s EAP exemptions in two significant aspects: 1) the salary thresholds for the act’s EAP exemptions are lower than the salary thresholds for the FLSA’s EAP exemptions; and 2) the duties test to qualify for the act’s EAP exemptions is different than the duties test to qualify for the FLSA’s EAP exemptions.

The Commonwealth’s regulations have not been updated since 1977, which results in three issues. First, many individuals are being improperly classified as exempt because the salary thresholds in the Commonwealth’s current regulations are not reflective of the current salaries of individuals who are EAPs. Moreover, the salary thresholds in the regulations defining the FLSA were last raised in 2004 and are also not reflective of the current salaries of individuals who are EAPs. Thus, amendments are necessary to ensure that individuals who are not EAPs are not improperly exempted from the act. Second, the Commonwealth’s current regulations for EAP exemptions contain two separate tests for employees to be exempt—the short test and the long test. Under the short test, an employee is exempt if that employee performs one specific duty in the regulation governing the exemption and is compensated at or above the higher salary threshold in that regulation. Under the long test, an employee is exempt if that employee performs all the duties in the regulation governing the exemption and is compensated at or above the lower salary threshold listed in that regulation. This differs from the FLSA’s regulations defining the EAP exemptions, which contain one standard duties test and one salary threshold for each

exemption. Finally, the duties to qualify for each exemption need to be clarified to prevent the improper classification of employees and to be more consistent the duties for the EAP exemptions in the FLSA's regulations defining the EAP exemptions. Making the act's regulations consistent with the FLSA's regulations with regard to duties would make compliance easier for employers who would no longer have to make separate evaluations of an employee's duties to determine whether they are exempt under the act and the FLSA.

Compliance with Executive Order 1996-1

The Governor's Middle Class Task Force held six meetings between September 29, 2017, and November 20, 2017. These meetings included workers and students, along with representatives of businesses, labor unions, workforce development programs, institutions of higher education and other postsecondary training. On several occasions, workers expressed concern about the inability to join the ranks of the middle class or maintain their middle-class status because of low or stagnant wages.

The Department presented its intention to amend the regulations to the Minimum Wage Advisory Board (Board) at an open meeting and gave Board members the ability to comment. The Board includes representatives of labor organizations, employer associations and the general public. These groups represent the entities that would be affected by this proposed rulemaking.

In its presentation, the Department informed the Board that it was clarifying the duties tests in the regulations including replacing the short and long tests with a standard duties test. In addition, the Department notified members that it was raising the salary threshold to qualify for EAP exemptions. Board members were provided the opportunity to comment on the Department's intention to update the regulations. Some Board members expressed approval of the intention to update the regulations, and some members expressed concerns about the large increase in the salary threshold. Department staff considered this feedback and introduced a phase-in approach to raising the salary threshold over a 3-year period.

Purpose

This proposed rulemaking would amend the Department's existing minimum wage regulations in § 231.1 (relating to definitions) and §§ 231.82—231.84.

Summary of Proposed Rulemaking

§ 231.1. Definitions

A definition of "general operation" is proposed to be added to include work in functional areas such as tax, finance, accounting, budgeting, auditing, insurance, quality control, purchasing, procurement, advertising, marketing, research, safety and health, personnel management, human resources, employee benefits, labor relations, public relations, government relations, computer network, Internet and database administration, legal and regulatory compliance, and similar activities. This will assist the Department, employers and employees to properly determine whether employees are exempt under the administrative exemption.

A definition of "management" is proposed to be added to include activities such as interviewing, selecting and training of employees; setting and adjusting employees' rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending

promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used to perform work; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees and the property; planning and controlling the budget, and monitoring or implementing legal compliance measures; and similar activities. This will assist the Department, employers and employees to properly determine whether employees are exempt under the executive exemption.

§ 231.82. Executive

Paragraph (1) is proposed to be amended by replacing "consist of" with "is" to improve readability.

Current paragraph (5) is proposed to be deleted to make the Department's regulations consistent with 29 CFR 541.100 (relating to general rule for executive employees), which interprets the FLSA. Section 541.100 of 29 CFR does not contain different wage requirements for individuals whose primary duties are executive and individuals who spend up to 20% performing nonexecutive duties.

Proposed paragraph (5) adds language to increase the minimum salary amount to \$610 per week on the effective date of adoption of the final-form rulemaking; to \$766 per week 1 year after the effective date of adoption of the final-form rulemaking; to \$921 per week 2 years after the effective date of adoption of the final-form rulemaking; and 3 years after the effective date of adoption of the final-form rulemaking and every 3rd year thereafter at a rate equal to the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the United States Department of Labor, Bureau of Labor Statistics. The Department will publish this rate on its web site and in the *Pennsylvania Bulletin*.

Proposed paragraph (6) allows up to 10% of the salary amount to be paid by nondiscretionary bonuses, incentives or commissions. Bonuses, incentives or commissions shall be paid on at least a quarterly basis. If by the last quarter, the salary and bonuses, incentives or commissions do not equal at least 13 times the weekly salary threshold, then the employer shall make a 1-time payment equal to the amount of the underpayment by the end of the next pay period of the next quarter. This one-time payment only counts towards the payment requirements of the previous quarter. Finally, the short and long tests in current subsection (6) to qualify for this exemption are proposed to be deleted and replaced with a standard duties test and one salary threshold.

§ 231.83. Administrative

Paragraph (1) is proposed to be amended by replacing "consist of" with "is" to improve readability.

Paragraph (2) is proposed to be amended to clarify that administrative personnel shall regularly exercise judgment and discretion in matters of significance.

Current paragraph (3) is proposed to be deleted to ensure that employees who only assist other executives and administrative personnel, only perform work requiring specialized training, experience or knowledge, or who only perform specialized tasks or assignments are no longer classified as exempt. This was done to make the language of this regulation consistent with 29 CFR

541.200 (relating to general rule for administrative employees), which does not contain the language in the Department's current regulation. Under the proposed regulation, employers in this Commonwealth will only have one duties test to determine whether an employee is exempt from the minimum wage and overtime under the administrative exemption.

Current paragraph (4) is proposed to be deleted to make the Department's regulations consistent with 29 CFR 541.200, which interprets the FLSA. Section 541.200 of 29 CFR does not contain different wage requirements for individuals whose primary duties are administrative and individuals who spend up to 20% performing nonadministrative duties.

Current paragraph (5) is proposed to be deleted.

Proposed paragraph (3) uses "compensated" to make the language in this exemption consistent with the language in the executive and professional exemptions. In addition, the minimum salary amount is increased to \$610 per week on the effective date of adoption of the final-form rulemaking; to \$766 per week 1 year after the effective date of adoption of the final-form rulemaking; to \$921 per week 2 years after the effective date of adoption of the final-form rulemaking; and 3 years after the effective date of adoption of the final-form rulemaking and every 3rd year thereafter at a rate equal to the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the United States Department of Labor, Bureau of Labor Statistics. The Department will publish this rate on its web site and in the *Pennsylvania Bulletin*.

Proposed paragraph (4) allows up to 10% of the salary amount to be paid by nondiscretionary bonuses, incentives or commissions. Bonuses, incentives or commissions shall be paid on at least a quarterly basis. If by the last quarter, the salary and bonuses, incentives or commissions do not equal at least 13 times the weekly salary threshold, then the employer shall make a 1-time payment equal to the amount of the underpayment by the end of the next pay period of the next quarter. This one-time payment only counts towards the payment requirements of the previous quarter. Finally, the short and long tests in current subsection (5) to qualify for this exemption are proposed to be deleted and replaced with a standard duties test and one salary threshold.

§ 231.84. Professional

Paragraph (1) is proposed to be amended by replacing "consist of" with "is" to improve readability. In addition, language is proposed to be added to clarify that professionals are individuals who either possess knowledge in a specialized field of science or learning, or perform work that is original or creative in an artistic field.

Current paragraph (4) is proposed to be deleted to make the Department's regulations consistent with 29 CFR 541.300 (relating to general rule for professional employees), which interprets the FLSA. Section 541.300 of 29 CFR does not contain different wage requirements for individuals whose primary duties are professional and individuals who perform up to 20% performing nonprofessional duties.

Current paragraph (5) is proposed to be deleted.

Proposed paragraph (4) adds language to increase the minimum salary or fee amount to \$610 per week on the effective date of adoption of the final-form rulemaking; to \$766 per week 1 year after the effective date of adoption

of the final-form rulemaking; to \$921 per week 2 years after the effective date of adoption of the final-form rulemaking; and 3 years after the effective date of adoption of the final-form rulemaking and every 3rd year thereafter at a rate equal to the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the United States Department of Labor, Bureau of Labor Statistics. The Department will publish this rate on its web site and in the *Pennsylvania Bulletin*.

Proposed paragraph (5) allows up to 10% of the salary or fee amount to be paid by nondiscretionary bonuses, incentives or commissions. Bonuses, incentives or commissions shall be paid on at least a quarterly basis. If by the last quarter, the salary and bonuses, incentives or commissions do not equal at least 13 times the weekly salary threshold, then the employer shall make a 1-time payment equal to the amount of the underpayment by the end of the next pay period of the next quarter. This one-time payment only counts towards the payment requirements of the previous quarter. Finally, the short and long tests to qualify for this exemption are proposed to be deleted and replaced with a standard duties test and one salary threshold.

Affected Persons

This proposed rulemaking would affect all employers in this Commonwealth covered by the act and all individuals who are employed by these entities.

Fiscal Impact

The Department does not anticipate that this proposed rulemaking will create a significant impact on its enforcement budget.

Reporting, Recordkeeping and Paperwork Requirements

This proposed rulemaking will not require the creation of new forms and reporting requirements.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking because the Department believes it is not appropriate to sunset regulations that exempt individuals from the act and because the proposed rulemaking contains an automatic increase to the salary threshold. However, the Department will continue to monitor the impact and effectiveness of the regulations.

Effective Date

This proposed rulemaking will take effect upon final-form publication in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Bryan Smolock, Director, Bureau of Labor Law Compliance, Department of Labor and Industry, 651 Boas Street, Room 1301, Harrisburg, PA 17121, (717) 787-0606, bsmolock@pa.gov within 30 days of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 12, 2018, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Committee on Labor and Industry and the House Committee on Labor and Industry. A copy of this material is available to the public upon request.

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

W. GERARD OLEKSIK, Secretary

Fiscal Note: 12-106. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XII. BUREAU OF LABOR LAW COMPLIANCE

CHAPTER 231. MINIMUM WAGE

GENERAL PROVISIONS

§ 231.1. Definitions.

* * * * *

(b) In addition to the provisions of subsection (a), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Domestic services—Work in or about a private dwelling for an employer in his capacity as a householder, as distinguished from work in or about a private dwelling for such employer in the employer's pursuit of a trade, occupation, profession, enterprise or vocation.

General operation—Work in functional areas such as tax, finance, accounting, budgeting, auditing, insurance, quality control, purchasing, procurement, advertising, marketing, research, safety and health, personnel management, human resources, employee benefits, labor relations, public relations, government relations, computer network, Internet and database administration, legal and regulatory compliance, and similar activities.

Handicapped worker—An individual whose earning capacity for the work to be performed is impaired by physical or mental deficiency or injury.

* * * * *

Lodging—A housing facility available for the personal use of the employee at all hours.

Management—Activities such as interviewing, selecting and training of employees; setting and adjusting employees' rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used to perform work; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees and the

property; planning and controlling the budget, and monitoring or implementing legal compliance measures; and similar activities.

Nonprofit organization—A corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

* * * * *

SPECIAL DEFINITIONS

§ 231.82. Executive.

Employment in a bona fide executive capacity means work by an individual:

(1) Whose primary duty [consists of] is the management of the enterprise in which he is employed or of a customarily recognized department or subdivision.

(2) Who customarily and regularly directs the work of two or more other employees.

(3) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight.

(4) Who customarily and regularly exercises discretionary powers.

[(5) Who does not devote more than 20%, or, in the case of an employee of a retail or service establishment, who does not devote as much as 40% of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (1)—(4), provided that this paragraph may not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment or who owns at least 20% interest in the enterprise in which he is employed.

(6) Who is compensated for his services on a salary basis at a rate of not less than \$155 per week, exclusive of board, lodging or other facilities, provided that an employee who is compensated on a salary basis at a rate of not less than \$250 per week, exclusive of board, lodging or other facilities, and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein shall be deemed to meet all the requirements of this section.]

(5) Who is compensated for his services on a salary basis at a rate of not less than:

(i) \$610 per week exclusive of board, lodging or other facilities, effective _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.).

(ii) \$766 per week exclusive of board, lodging or other facilities, effective _____ (Editor's Note: The blank refers to 365 days after the effective date of adoption of this proposed rulemaking.).

(iii) \$921 per week exclusive of board, lodging or other facilities, effective _____ (Editor's Note:

The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.

(iv) Effective _____ (*Editor's Note: The blank refers to 1,095 days after the effective date of adoption of this proposed rulemaking.*), and January 1 of each 3rd year thereafter, the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the United States Department of Labor, Bureau of Labor Statistics, exclusive of board, lodging or other facilities. The Department will publish this figure on its web site and in the *Pennsylvania Bulletin*.

(6) Up to 10% of the salary amount required under paragraph (5) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions that are paid quarterly or more frequently. If by the last pay period of the quarter the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received does not equal 13 times the weekly salary amount required under this section, the employer may make 1 final payment sufficient to achieve the required level no later than the next pay period after the end of the quarter. A final payment made after the end of the 13-week period may count only toward the prior quarter's salary amount and not toward the salary amount in the quarter it was paid.

§ 231.83. Administrative.

Employment in a bona fide administrative capacity means work by an individual:

(1) Whose primary duty [**consists of**] is the performance of office or nonmanual work directly related to management policies or general operation of his employer or the customers of the employer.

(2) Who customarily and regularly exercises discretion and independent judgment with respect to matters of significance.

[(3) Who regularly and directly assists an employer or an employee employed in a bona fide executive or administrative capacity, who performs under only general supervision work along specialized or technical lines requiring special training, experience or knowledge, or who executes under only general supervision special assignments and tasks.

(4) Who does not devote more than 20% of time worked in a workweek, or, in the case of an employee of a retail or service establishment, who does not devote more than 40% of time worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (1)—(3).

(5) Who is paid for his services a salary of not less than \$155 per week, exclusive of board, lodging, or other facilities, provided that an employee who is compensated on a salary or fee basis at a rate of not less than \$250 per week, exclusive of board, lodging or other facilities and whose primary duty consists of the performance of work described in paragraph (1), which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.]

(3) Who is compensated for his services on a salary basis at a rate of not less than:

(i) \$610 per week exclusive of board, lodging or other facilities, effective _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

(ii) \$766 per week exclusive of board, lodging or other facilities, effective _____ (*Editor's Note: The blank refers to 365 days after the effective date of adoption of this proposed rulemaking.*).

(iii) \$921 per week exclusive of board, lodging or other facilities, effective _____ (*Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.*).

(iv) Effective _____ (*Editor's Note: The blank refers to 1,095 days after the effective date of adoption of this proposed rulemaking.*), and January 1 of each 3rd year thereafter, the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the United States Department of Labor, Bureau of Labor Statistics, exclusive of board, lodging or other facilities. The Department will publish this figure on its web site and in the *Pennsylvania Bulletin*.

(4) Up to 10% of the salary amount required under paragraph (3) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions that are paid quarterly or more frequently. If by the last pay period of the quarter the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received does not equal 13 times the weekly salary amount required by this section, the employer may make 1 final payment sufficient to achieve the required level no later than the next pay period after the end of the quarter. A final payment made after the end of the 13-week period may count only toward the prior quarter's salary amount and not toward the salary amount in the quarter it was paid.

§ 231.84. Professional.

Employment in a bona fide professional capacity means work by an individual:

(1) Whose primary duty [**consists of**] is the performance of work requiring [**knowledge**] either of the following:

(i) **Knowledge** of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction and study [**or the**].

(ii) **The** performance of work that is original and creative in character in a recognized field of artistic endeavor.

(2) Whose work requires the consistent exercise of discretion and judgment in its performance.

(3) Whose work is predominately intellectual and varied in character, as opposed to routine mental, manual, mechanical or physical work, and is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

[(4) Who does not devote more than 20% of time worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (1)—(3).

(5) Who is compensated for his services on a salary or fee basis at a rate of not less than \$170 per week, exclusive of board, lodging or other facilities, provided that an employee who is compensated on a salary or fee basis at a rate of not less than \$250 per week, exclusive of board, lodging or other facilities, and whose primary duty consists of the performance of work described in paragraph (1), which includes work requiring the consistent exercise of discretion and judgment, or the performance of work requiring invention, imagination or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.]

(4) Who is compensated for his services on a salary or fee basis at a rate of not less than:

(i) \$610 per week exclusive of board, lodging or other facilities, effective _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.).

(ii) \$766 per week exclusive of board, lodging or other facilities, effective _____ (Editor's Note: The blank refers to 365 days after the effective date of adoption of this proposed rulemaking.).

(iii) \$921 per week exclusive of board, lodging or other facilities, effective _____ (Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.).

(iv) Effective _____ (Editor's Note: The blank refers to 1,095 days after the effective date of adoption of this proposed rulemaking.), and January 1 of each 3rd year thereafter, the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the United States Department of Labor, Bureau of Labor Statistics, exclusive of board, lodging or other facilities. The Department will publish this figure on its web site and in the *Pennsylvania Bulletin*.

(5) Up to 10% of the salary or fee amount required under paragraph (4) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions that are paid quarterly or more frequently. If by the last pay period of the quarter the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received does not equal 13 times the weekly salary amount required by this section, the employer may make 1 final payment sufficient to achieve the required level no later than the next pay period after the end of the quarter. A final payment made after the end of the 13-week period may count only toward the prior quarter's salary amount and not toward the salary amount in the quarter it was paid.

[Pa.B. Doc. No. 18-961. Filed for public inspection June 22, 2018, 9:00 a.m.]

STATE BOARD OF MASSAGE THERAPY

[49 PA. CODE CH. 20]

Fees

The State Board of Massage Therapy (Board) proposes to amend § 20.3 (relating to fees) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The increased application fees will be implemented immediately; the increased biennial renewal fees will be implemented with the January 31, 2019, biennial renewal.

Statutory Authority

Section 11(a) of the Massage Therapy Law (act) (63 P.S. § 627.11(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures over a 2-year period. Likewise, section 11(b) of the act requires the Board to increase fees by regulation so that adequate revenues raised will meet the enforcement efforts required under the act.

Background and Need for Amendments

Under section 11(a) and (b) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees, fines and civil penalties.

Under section 49 of the act (63 P.S. § 627.49), initial operating funds were transferred from the Professional Licensure Augmentation Account (PLAA) to the Board to be repaid to the PLAA within 3 years of the beginning of the issuance of licenses. The current fee schedule in § 20.3 was established with the Board's initial rulemaking in 2011 based upon an estimate of the costs of administering the functions of the Board at that time. See 41 Pa.B. 16 (January 1, 2011). However, since the Board began issuing licenses in 2011, it has not produced enough revenue to cover its current operating expenses or repay the moneys advanced from the PLAA. In fact, the deficit balance in the Board's account as of the beginning of Fiscal Year (FY) 2017-2018 was \$1,058,603.88.

At the June 3, 2014, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for FY 2008-2009 through FY 2013-2014 and the projected revenue and expenses through FY 2025-2026, and discussed various options for the Board's consideration to balance its budget and to repay the PLAA. The BFO returned on October 17, 2014, with updated projections that it discussed with the Board. During FY 2008-2009 and FY 2009-2010, the Board incurred expenses of \$89,628.97, with no revenue coming in. In FY 2010-2011, the Board began issuing licenses and received \$203,105 in revenue. However, expenditures for that same time period totaled \$211,749.61, adding to the

deficit. Thus, at the beginning of FY 2011-2012, the Board's deficit balance was \$98,273.58. In FY 2011-2012, the Board received revenue of \$293,876.80, while expenditures were \$413,876.64, adding another \$119,999.84 to the deficit—totaling \$218,273.42. FY 2012-2013 was the Board's first renewal year, that is, the first time the Board would collect the \$75 biennial renewal fee from each of its 7,313 licensees (at that time). In that year, the Board received \$607,889.13 in total revenues which covered its expenditures for the year of \$596,442.21, but only reduced the deficit balance to \$206,826.50. The next year, FY 2013-2014, was a nonrenewal year with revenues of only \$129,884.26. Expenditures during FY 2013-2014 were consistent with the year before at \$601,282.08, resulting in a total deficit balance of \$678,224.32 at the beginning of FY 2014-2015.

Therefore, the Board determined that it is necessary to raise fees to meet or exceed projected expenditures in compliance with section 11(a) and (b) of the act. The Board assigned the matter to its Regulations Committee, which then presented the proposed fee structure to the Board. A draft of the proposal was presented to the Board at its meeting on February 10, 2015, at which time the Board voted to solicit input from interested parties and stakeholders in accordance with Executive Order 1996-1 for the Board's consideration at its next meeting. At its meeting on April 7, 2015, the Board considered the comments submitted by the Pennsylvania Chapter of the American Massage Therapy Association (AMTA PA) regarding the proposed increase to the biennial renewal fee and those submitted by the Executive Director of the Pittsburgh School of Massage Therapy regarding the proposed fees for continuing education course approval. In addition, at the April 7, 2015, meeting the Board invited public comment and permitted members of the audience to address the Board regarding the proposal. At that time, Kim Kane-Santos, President of AMTA PA, reviewed the comment she submitted on behalf of AMTA PA. At the conclusion of the presentation, the Board voted to proceed to promulgate a proposed rulemaking.

At that time, it was anticipated that the increased fees would be effective in time to be imposed for the biennial renewal period beginning January 31, 2017. However, due to circumstances beyond the Board's control, the Board was unable to promulgate the rulemaking in time to impose the fees in 2017. In the meantime, the accumulated deficit has continued to grow. In FY 2014-2015, the Board received \$679,772.08 in total revenues which covered its expenditures for the year of \$664,644.20, resulting in a total deficit balance of \$663,096.44, at the beginning of FY 2015-2016. In FY 2015-2016, a nonrenewal year, the Board's revenues were \$196,667.41 and the expenditures were \$635,539.01, which resulted in an accumulated deficit of \$1,101,968.04. In FY 2016-2017, a renewal year, the Board's revenues were at \$701,356.77 and the expenditures were \$657,992.61, which resulted in a slightly lower accumulated deficit of \$1,058,603.88 at the beginning of FY 2017-2018. At its meeting on February 23, 2017, the BFO returned to the Board to make its annual budget presentation and suggested the Board consider increasing the fees further in light of the mounting deficits. The Board considered the BFO's proposal at its meeting on June 13, 2017, and ultimately determined that it would proceed with this proposed rulemaking as drafted, although it would take longer to recoup the accumulated deficit.

There are currently 8,754 actively licensed massage therapists who pay a biennial renewal fee of \$75. Therefore, under the existing fee structure, the Board will

produce approximately \$656,550 in renewal revenues covering the biennial renewal period which falls in FY 2017-18 and FY 2018-19. Based on an estimated 2,000 application fees at \$65 each, the Board is estimated to receive \$130,000 in application fees during the biennial period. It is estimated that the Board will receive an additional \$25,000 in other nonrenewal revenue, for a total of \$811,550 in projected biennial revenue for FY 2017-18 and FY 2018-19. However, projected expenditures for the same period are estimated at \$1,269,732.39, resulting in a biennial operating deficit of \$458,182.39 which when added to the existing deficit will result in a projected deficit of approximately \$1,516,786.27 by the end of FY 2018-2019. Without a substantial increase in the biennial renewal fee, the BFO projects continuing deficits for the foreseeable future. In addition, the BFO anticipates that there will be an increase in costs to the Board in the implementation of the act of September 24, 2014 (P.L. 2476, No. 136) (Act 136) which permits the practice of massage therapy in cosmetology and esthetician salons and directs the Board and the State Board of Cosmetology to jointly promulgate regulations to carry out Act 136. It is anticipated that some of the costs associated with inspection of cosmetology and esthetician salons that include massage therapy services will be allocated to the Board.

Therefore, this proposed rulemaking would amend § 20.3 to increase: the application fee for initial licensure from \$65 to \$100; the application fee for approval of a continuing education program from \$65 to \$100; and the biennial renewal fee from \$75 to \$200. The increased application fees will be effective immediately upon publication of the final-form rulemaking. The increased biennial renewal fee will go into effect for the January 31, 2019, biennial renewal. The new fee structure is projected to produce biennial revenues of approximately \$2 million, which will allow the Board to avoid adding to the mounting deficits, repay the PLAA and meet its subsequent estimated expenditures for a number of years to come.

Description of Proposed Amendments

This proposed rulemaking would amend § 20.3 to increase: the application fee for initial licensure from \$65 to \$100; the fee for approval of a continuing education program from \$65 to \$100; and the biennial renewal fee from \$75 to \$200.

The Board also proposes to delete § 20.3(d) pertaining to certain examination fees because on October 3, 2014, the Federation of State Massage Therapy Boards (FSMTB) and the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) reached an agreement that the NCBTMB will no longer provide examinations for licensure purposes and will focus exclusively on delivering certification programs. The licensure examinations previously administered by the NCBTMB included the National Examination for State Licensure, the National Certification Examination for Therapeutic Massage and the National Certification Examination for Therapeutic Massage and Bodywork. Effective November 1, 2014, the NCBTMB ceased accepting new licensure exam applications. Effective February 1, 2015, the NCBTMB stopped offering licensure exams. Effective February 1, 2015, and thereafter, the FSMTB administers the Massage and Bodywork Licensure Exam that is provided for in § 20.3(c).

Fiscal Impact

This proposed rulemaking will increase the biennial renewal fees, the initial application fees and the fee for

approval of continuing education programs. There are currently approximately 8,754 licensees that will be required to pay \$125 more every 2 years to renew their licenses when they expire on January 31, 2019, and thereafter. There are currently approximately 1,000 initial applicants annually who will have to pay \$35 more to obtain an initial license. The sponsors of continuing education programs will have to pay \$35 more for the approval of their continuing education programs. This proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. This proposed rulemaking will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 13, 2018, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the

Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jacqueline A. Wolfgang, Assistant Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 16A-724 (fees) on comments.

BECKY D. LESIK, LMT,
Chairperson

Fiscal Note: 16A-724. No fiscal impact; the fee increases described in this proposed rulemaking are necessary to meet the costs assumed by the Board; (8) recommends adoption.

Annex A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 20. STATE BOARD OF MASSAGE THERAPY
GENERAL PROVISIONS

§ 20.3. Fees.

(a) The following fees are charged for services provided by the Board:

Application for initial licensure	[\$65] \$100
Application for temporary practice permit	\$65
Verification of licensure or letter of good standing	\$15
Certification of licensure history	\$25
Reactivation of license	\$65
Restoration after suspension or revocation	\$65
Approval of continuing education program	[\$65] \$100

(b) The following fees are charged to sustain the operations of the Board:

Biennial renewal of license	[\$75] \$200
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(c) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the MBLEx shall be responsible for any fees charged by the FSMTB for taking the examination.

[(d) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the NESL, the NCETM or the NCETMB shall be responsible for any fees charged by the NCBTMB for taking the examinations.]

[Pa.B. Doc. No. 18-962. Filed for public inspection June 22, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-2015-2518883]

Fixed Utility Distribution Rates

The Pennsylvania Public Utility Commission (Commission), on May 3, 2018, adopted a proposed policy statement that is intended to identify factors the Commission will consider in determining just and reasonable distribution rates that promote efficient use of electricity, natural gas or water, the use of distributed energy resources; and reduce disincentives for efficient use of resources to ensure adequate revenue to maintain the safe and reliable operation of fixed utility distribution systems.

Public Meeting held
May 3, 2018

Commissioners Present: Gladys M. Brown, Chairperson, statement follows; Andrew G. Place, Vice Chairperson; Norman J. Kennard; David W. Sweet; John F. Coleman, Jr.

Fixed Utility Distribution Rates Policy Statement;
M-2015-2518883

Proposed Policy Statement Order

By the Commission:

On March 3, 2016, the Pennsylvania Public Utility Commission (Commission) held an en banc hearing at Docket No. M-2015-2518883 to seek information from interested stakeholders on the efficacy and appropriateness of alternatives to traditional ratemaking principles for public utilities. Invited parties, including researchers, energy companies and consumer advocates testified before the Commission, giving views on whether alternative rate methodologies can encourage energy utilities to better implement energy efficiency and conservation (EE&C) programs, are just and reasonable and in the public interest, and are cost-effective.¹

On March 2, 2017, the Commission issued a Tentative Order seeking comments on and potential processes to advance, alternative rate methodologies that address issues each utility industry is facing. With this Order, the Commission continues this proceeding by issuing, for comment, a proposed policy statement that identifies factors it will consider in determining just and reasonable distribution rates that promote the efficient use of electricity, natural gas or water, the use of distributed energy resources, reduce disincentives for such efficient use and resources and ensure adequate revenue to maintain the safe and reliable operation of fixed utility distribution systems. The proposed policy statement includes the addition of a new subsection at Section 69.3303 that provides illustrations of possible distribution ratemaking and rate design options for electric distribution and natural gas distribution companies. The inclusion of this subsection does not signal, nor should it be interpreted as signaling, any predilection by the Commission to favor

one proposal over another or any predetermination by the Commission that the proposal of one of these examples comes with any presumption of approval. As evidenced in this proceeding, there are a variety of rate designs that address the needs of a changing utility landscape. We believe it is important to note options that are grounded in ratemaking principles and may help customers and utilities move forward to minimize future long-term costs, allocate capital more efficiently, and achieve important policy objectives.

Background

At the March 3, 2016 en banc hearing, the Commission sought information from interested parties on the efficacy and appropriateness of alternative rate methodologies, such as revenue decoupling. Invited participants, including researchers, energy companies and consumer advocates testified before the Commission, giving their views on three specific topics. These topics enquired (1) whether revenue decoupling or other similar rate mechanisms can encourage energy utilities to better implement energy efficiency and conservation programs; (2) whether such rate mechanisms are just and reasonable and in the public interest; and (3) whether the benefits of implementing such rate mechanisms outweigh any associated costs. The following witnesses provided testimony at the hearing: Hough Gilbert Peach, PhD, H. Gil Peach & Associates, LLC; Eric Ackerman, Director of Alternative Regulation at Edison Electric Institute; Tanya J. McCloskey, Acting Pennsylvania Consumer Advocate; Paula A. Strauss, Director of Regulatory Strategy and Support, NiSource, Inc.; Mark Newton Lowry, PhD, President of Pacific Economics Group, on behalf of Natural Resources Defense Council; Richard Sedano, Principal and US Programs Director of The Regulatory Assistance Project; Scott R. Koch, Financial Analyst, PPL Electric Utilities Corp. (PPL); Eric Miller, on behalf of the Keystone Energy Efficiency Alliance (KEEA), the Clean Air Council and Natural Resources Defense Council (NRDC); and David F. Ciarlone, PE, on behalf of the Industrial Energy Consumers of Pennsylvania.

Following the March 3rd hearing, the Commission allowed for any interested party to submit written comments under this docket no later than March 16, 2016. The following parties submitted written comments and supplied additional input on the issue of revenue decoupling in Pennsylvania: Duquesne Light Company (Duquesne); PECO Energy Company (PECO); UGI Distribution Companies (UGI); Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company (Citizens' and Wellsboro); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, FirstEnergy); Citizens for Pennsylvania's Future (PennFuture); KEEA; Energy Freedom Coalition of America; Environmental Defense Fund (EDF); Sierra Club; Pennsylvania Utility Law Project (PULP); AARP Pennsylvania; Northeast Energy Efficiency Partnerships; Citizen Power, Inc.; Office of Consumer Advocate (OCA); Office of Small Business Advocate (OSBA); Energy Association of Pennsylvania (EAP); National Association of Water Companies; Industrial Energy Consumers of Pennsylvania, Duquesne Industrial Intervenors, Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Penn Power Users Group, Philadelphia Area Industrial Energy Users Group, PP&L Industrial Customer Alliance,

¹ In the context of this proceeding, examples of alternative rate methodologies to be considered in order to encourage better implementation of energy efficiency and conservation programs include (1) revenue decoupling and other rate designs that separate some or all of a utility's authorized revenue recovery from volumetric sales following the determination of an overall revenue requirement; and/or (2) a utility's performance with respect to energy efficiency and conservation as a part of the determination of the overall authorized revenue requirement.

and West Penn Power Industrial Intervenors (Industrials); and The Pennsylvania State University (PSU).

On March 2, 2017, the Commission issued a Tentative Order at the above-referenced Docket to continue the investigation by seeking comment on, and potential processes to advance, alternative rate methodologies that address issues each utility industry is facing. Specifically, the Commission sought comments on what alternative rate methodologies each electric distribution company (EDC), natural gas distribution company (NGDC), and water and wastewater utilities currently employ. In addition, the Commission sought comment on what alternative rate methodologies should be employed by each utility type, addressing the advantages, disadvantages, effects on low-income and income-challenged customers, efficiency programs, frequency of rate cases, interaction with existing rate mechanisms and methodology for implementation. Finally, the Commission noted that utilities had proposed alternative rate methodologies in base rate proceedings and sought comment on whether the Commission should adopt policy statements or rulemakings identifying guidelines for preferred alternative rate methodologies for each utility type and rate class.

The following parties filed written comments to the Tentative Order: AARP; Advanced Energy Economy Institute (AEEI); Alliance for Industrial Efficiency (AIE); American Council for an Energy-efficient Economy (ACEEE); American Eagle Paper Mills, ArcelorMittal, E-Finity Distributed Generation, Cargill, Ecolab, Schneider Electric, Sheet Metal & Air Conditioning Contractors' National Assoc. of Pennsylvania, and Veola North America (collectively, CHP Advocates); Aqua Pennsylvania, Inc. (Aqua); The Bureau of Investigation and Enforcement (I&E); Valley Energy, Inc., Citizens' and Wellsboro (collectively, VCW); Columbia Gas of Pennsylvania, Inc. (Columbia); Duquesne; EAP; FirstEnergy; Industrials; KEEA; National Fuel Gas Distribution Corp. (NFG); NRDC; NRDC, Sierra Club, and Clean Air Council (collectively, Council); OCA; OSBA; PECO; Peoples Natural Gas Company LLC and Peoples TWP LLC (Collectively, Peoples); Philadelphia Gas Works (PGW); PPL; PULP; and UGI Distribution Companies (UGI).

The following parties filed reply comments: AEEI; ACEEE; Columbia; Duquesne; EAP; FirstEnergy; KEEA; NFG; OCA; OSBA; PECO; Peoples; Pennsylvania-American Water Company (PAWC); PPL; PSU; and Strata Policy.

The parties provided various comments on the appropriateness of alternative rate methodologies such as revenue decoupling, lost revenue adjustment, straight-fixed-variable pricing, cost trackers, choice of test years, multiyear rate plans, demand charges, standby and backup charges, and demand side management performance incentives. These alternative rate methodologies are described in more detail on pages 6–14 of the March 2, 2017 Tentative Order.

Discussion

Based on our review of the testimony and the comments submitted to date in this proceeding, it is evident that while the parties support the effort to move toward ratemaking methodologies that support efficiency programs and distributed energy resources (DERs), and that also provide utilities with adequate revenue, there is no consensus as to which method should be used. With this Order we will discuss each methodology, the parties' positions and the Commission's views on each method. In addition, we are proposing a policy statement intended to provide guidelines utilities and stakeholders are to use in

a Section 1308, 66 Pa.C.S. § 1308, rate proceeding to identify and implement appropriate rate structures for each rate class.

A. Alternative Rate Methodologies

1. Revenue Decoupling

Decoupling mechanisms introduce a process of recovering authorized revenues between base rate cases and explicitly breaking the link between revenues and sales. Decoupling makes a utility theoretically indifferent to energy efficiency and conservation by removing the throughput incentive. Decoupling involves two separate steps. First, there is a ratemaking proceeding for determining the amount of revenues the utility is authorized to collect. Second, there is a decoupling mechanism to set an appropriate rate to ensure collection of the authorized revenue. There are three ways in which allowed revenues can be determined:

- **Revenue Cap Decoupling:** With revenue cap decoupling, the authorized revenues are typically set in a base rate case and then held constant until the next base rate case.

- **Inflation and Productivity Decoupling:** With inflation and productivity decoupling, the authorized revenues are adjusted between base rate cases, based on assumed known changes in inflation and company productivity. Inflation is often based on recognized government published indexes, such as the consumer price index.

- **Revenue Per Customer (RPC) Decoupling:** With RPC decoupling, the average revenue per customer for each volumetric rate is computed at the end of the base rate case. In subsequent periods between base rate cases, authorized revenues are derived by multiplying the actual number of customers served by the RPC value. The underlying premise for RPC decoupling is that, between rate cases, a utility's underlying cost structure is driven primarily by changes in the number of customers served. The utility is likely to require smaller rate increases in base rate cases because RPC increases occur more frequently, base rate case increases may be simpler to implement, and through the interim recalibration of revenues on a monthly basis through RPC increases, the risk of revenue recovery related to changes in weather between rate cases can be reduced or eliminated.

In terms of determining the revenue excess or shortfall, decoupling rate adjustment mechanisms can be divided into three different types—limited, full, and partial.

- **Limited Decoupling:** Prices are adjusted periodically based on the specific measured or presumed impact on one or more, but not all, other factors, such as weather, energy efficiency, net metering, etc. that impact unit sales volumes. Limited decoupling limits the revenue recovery to a limited set of specific causes such as energy efficiency. Energy efficiency may need to be explicitly included in the calculation, using the utility, or possibly a third party, to conduct measurements or provide analyses to verify and track changes in sales due to the allowed or disallowed specific causes. Calculating the specific factors that cause the deviation in sales and to what degree is complex, requiring sophisticated measurement and calculation systems that may add costs.

- **Full Decoupling:** Full decoupling simply uses billing determinants from the company's metering and billing records to periodically adjust rates. This approach captures all factors that could increase or decrease sales. Under full decoupling, rates may increase during economic downturns due to reduced usage, shielding the

utility from the economic effects of the downturn, but also increasing customer expenses at a time when customer income may be reduced due to the economic downturn.

- **Partial Decoupling:** A variation on limited or full decoupling that limits the rate adjustment to some portion, less than 100%, of revenues eligible for decoupling, most often expressed as a percentage of revenues.

a. *Comments*

Several utilities and stakeholders that filed comments support revenue decoupling in one form or another, while most consumer advocates do not. PECO states that its preferred approach is the revenue per customer decoupling model for all but very large customers and certain street lighting customers. PECO states that this model would mitigate revenue losses from energy efficiency and DERs but notes that it could exacerbate intra-class cost shifting, particularly in the residential class due to distributed energy resources. To address this intra-class cost shifting PECO states that it would move its fixed charge to be fully cost based and establish a separate rate class for net metered residential customers.² PPL states that in conjunction with a multi-year rate plan, its preferred method is full revenue decoupling as it is the most appropriate method to encourage DERs and EE&C measures. PPL asserts that under its method, it will have assurance that its capital investments will be recovered, while providing a limit on revenues, will reduce rate case frequency and reduce regulation related costs and maintains incentives for EE&C measures and DERs.³

All NGDCs that filed comments also express support for revenue decoupling in one form or another. Peoples states that while it has not proposed decoupled rates, they support the Commission's authority to approve such rates.⁴ PGW states that the revenue per customer model may be the appropriate decoupling structure for some utilities but a single type of decoupling should not be prescribed, noting that the choice is dependent upon the specific reasons and needs of the NGDC.⁵ UGI states that it is not opposed to revenue decoupling to address declining use per customer, but notes that it might provide a disincentive to fuel switching from electric to gas water heating.⁶ NFG states that it has implemented revenue decoupling, weather normalization and lost revenue mechanisms in New York that have positively impacted different customer groups.⁷ Columbia states that it has previously proposed a revenue normalization adjustment charge in 2012 that was designed to promote revenue stability by establishing a baseline revenue per customer. Columbia also states that it has instituted a weather normalization adjustment for residential customers.⁸

In addition to the electric and gas utilities, the water utilities that filed comments also express support for revenue decoupling. Aqua states that a decoupling mechanism would allow for greater certainty for the utility in collecting its authorized revenue and would allow for water utilities to further promote conservation, while potentially delaying base rate case filings. Aqua also notes that the utility and the customer would be protected from changes in weather. Aqua, however, acknowledges that under a decoupling mechanism, customers may not conserve water and may have difficulty in

anticipating their bill amount.⁹ PAWC states that revenue decoupling allows water utilities to further encourage conservation without being penalized. PAWC also states that revenue decoupling effectively reduces or even eliminates the contentiousness of the ratemaking process, resulting in a more efficient and effective ratemaking process that better aligns stakeholder interests to provide more economically and environmentally efficient resource decisions.¹⁰

The other commenters that support revenue decoupling are NRDC, AEE, KEEA and ACEEE. NRDC states that the Commission should clearly state a willingness to implement decoupling in connection with Act 129 lost revenues through a deferral mechanism, with recovery to be made in a subsequent base rate proceeding, and work with stakeholders to develop standards and criteria for decoupling mechanisms, including performance-based mechanisms. NRDC also states that the process should include a thorough review of potential rate and bill impacts and consider impacts on a wide variety of households, including low-usage customers, low-income customers, renters and customers with inelastic usage due to health needs.¹¹ AEE states that revenue decoupling is an important way to remove financial disincentives by removing the threat of lowered revenue.¹² KEEA supports decoupling and performance incentives and recommends that the Commission pursue full decoupling to remove any disincentive that may exist for utilities to pursue demand-side reductions. KEEA asserts that revenue decoupling varies little from current cost-of-service ratemaking, with the chief difference being that decoupling includes a target revenue requirement set for each year between rate cases and an adjustment mechanism that accounts for differences between target revenues and actual revenues.¹³ ACEEE suggests that the Commission approve full revenue decoupling for gas and electric utilities because it balances the interests of utilities and customers by ensuring cost recovery while still promoting customer investment in cost effective energy efficiency.¹⁴

Several commenters, however, do not support revenue decoupling. OCA states that low to moderate income households that are unable to participate in energy efficiency programs for various reasons would bear the brunt of the increases caused by revenue decoupling. OCA also argues that revenue decoupling could reduce a utility's incentive for timely storm repair. Furthermore, OCA asserts that through Act 129 the General Assembly rejected decoupling as an EDC ratemaking mechanism. OCA also asserts that revenue decoupling, if implemented, should include specific consumer protections, such as, legislative authorization, adjustment caps, reduced return on equity, exclusion of automatic adjustment revenues and consumer education, to name a few. Regarding NGDC rates, OCA asserts that weather is the largest factor that impacts customer gas usage and that any rate adjustment due to over- or under-collection in combination with the weather-related changes in usage could cause improper and confusing price signals that stifle consumers' decisions to engage in conservation efforts.¹⁵

In addition to OCA, the Industrials assert that revenue decoupling cannot be implemented for several reasons. Industrials assert that decoupling is illegal under the current statutory framework, it constitutes single-issue

² PECO Comments at 13–15.

³ PPL Comments at 9, 11, 18, and 20–22, and Reply Comments at 11–13.

⁴ Peoples Comments at 3-4.

⁵ PGW Comments at 7.

⁶ UGI Comments at 17–19.

⁷ NFG Comments at 2, 4 and 6.

⁸ Columbia Comments at 9-10 and Reply Comments at 3-4.

⁹ Aqua Comments at 4-5.

¹⁰ PAWC Reply Comments at 2-3.

¹¹ NRDC Comments at 12-13.

¹² AEE Comments at 8.

¹³ KEEA Comments at 8-9.

¹⁴ ACEEE Comments at 3 and Reply Comments at 2.

¹⁵ OCA Comments at 14, 15, 19, 20, 30, 31, 37, 51–55, 59 and 60 and Reply Comments at 9, 10, 24, 35 and 36.

ratemaking, prevents the Commission from ensuring that rates are just and reasonable, it cannot be reconciled with cost of service principles, it is poor policy making and it undercuts reliability.¹⁶

b. *Commission View*

We agree that revenue decoupling may result in just and reasonable rates for fixed utilities in certain forms and in certain circumstances, so long as the revenue decoupling plan includes appropriate consumer safeguards. Among the consumer protections that could be considered are (1) a revenue adjustment cap (to limit the consumer's rate adjustment exposure) and (2) a reduced return on equity (to reflect possible reduced business risk for the utility). We recognize that revenue decoupling, if done in an appropriate manner removes the throughput incentive in such a way that may promote adoption of cost-effective efficiency and conservation measures.

At the same time, we note that revenue decoupling may not be appropriate, may not result in just and reasonable rates, or may not be authorized by the Public Utility Code for certain fixed utilities in certain circumstances. We recognize that if done inappropriately, revenue decoupling may adversely impact customers who, due to personal circumstances, are unable to take advantage of efficiency or conservation measures to reduce their consumption. Also, customers who are the recipients of after-the-fact billing increases for past shortfalls, for whatever reason, may be unhappy in being required to make up the difference once the actual mechanics of revenue decoupling become clear. Accordingly, with this proposed policy statement, in lieu of establishing a specific rate methodology to be applied to all fixed utilities, we are proposing to establish factors the fixed utilities, complainants, intervenors, and the Commission will consider in any future utility Section 1308 rate proceeding.

For the natural gas industry, we propose illustrative examples of revenue decoupling mechanisms, such as a weather normalization adjustment and/or revenue per customer adjustments. Our proposed Section 69.3303 states that any future decoupling proposal should address important consumer protection issues including, but not limited to, revenue adjustment dead-bands, seasonal adjustment limitations, adjustment timelines, and any just and reasonable cost of capital adjustments, and describe which rate classes are subject to the ratemaking proposal.

2. *Lost Revenue Adjustment Mechanism (LRA)*

Lost revenue adjustments are similar to limited decoupling, as they are based on recovery of lost revenues from specific causes. Compensation for lost margins is usually effected through a rate rider that can operate in years between base rate cases. LRA mechanisms are similar to limited decoupling in that they identify specific issues that reduce revenue and seek to restore them as accurately as possible. Giving a utility lost revenue from its energy efficiency programs removes the utility's disincentive to support those programs, but still allows the utility to benefit from increased sales.

a. *Comments*

Duquesne supports exploring a form of LRA that would adjust base distribution revenues every six or twelve months when the actual revenues are different from an allowed revenue requirement.¹⁷ NFG states that it has implemented LRA in New York that has had a positive impact on many different customer groups and could help

alleviate some revenue pressure on the utility.¹⁸ AEE states that while it prefers revenue decoupling, it notes that LRA methods, while more targeted to lost revenue for certain programs, also removes the utility's throughput incentive.¹⁹

FirstEnergy states that LRA would likely require legislative changes to be implemented for electric utilities.²⁰ PPL states that LRAs are not as desirable as full revenue decoupling as they are limited to recovery of lost revenue due to specific causes and do not address the challenges caused by DERs and other emerging technologies faced by EDCs.²¹ OCA submits that LRA incentivizes utilities to discourage energy efficiency as customers that aggressively adopt conservation measures would see little to no rewards because of surcharges imposed due to the utility's under-recovery of revenues.²² OSBA asserts that Act 129 specifically prohibits an LRA in the case of lost revenues resulting from the EDCs' EE&C programs.²³ ACEEE states that LRAs should be rejected because they do not remove the throughput incentive and allow utilities an opportunity to over-earn revenue requirements.²⁴

b. *Commission View*

As with revenue decoupling, the Commission recognizes that LRAs may be appropriate in certain circumstances. The Commission, however, agrees with the parties that point out that LRAs are limited in scope and thus may not provide an adequately comprehensive approach to promote efficiency and DER. The Commission also recognizes that, depending on how an LRA is employed by an EDC, the mechanism may not be in full compliance with Act 129.²⁵ And, again, as with decoupling, customers who are the recipients of after-the-fact billing increases for LRA shortfalls may be unhappy at being required to make up the differences for past events. Accordingly, while not rejecting LRAs, any utility proposing an LRA will need to demonstrate that the proposed rate does not discourage efficiency measures, does not conflict with the Public Utility Code and will enjoy consumer acceptance.

3. *Straight Fixed / Variable (SFV) Pricing*

As a matter of rate design theory, SFV is based on the fact that most, if not all, of the utility's distribution system costs may be fixed in the short run and therefore customers should pay for those costs through fixed charges on their bills that reflect the amount of fixed costs of the distribution system for each customer class. The main advantage of utilizing SFV pricing is the revenue certainty for the utility. The utility is assured recovery of its allowed revenues through higher fixed charges and lower volume-based charges. Customers will have lower variations in their monthly electric bill because more charges are fixed, and bills will vary less due to variations in usage.

While SFV has the effect of decoupling the utility's earnings from consumption, it also has the effect of decoupling the customer's usage from the bill as to the fixed costs of the utility's distribution system. SFV may diminish the value of customer usage reduction methods, such as energy efficiency and distributed generation, as some of the charges are fixed. High fixed charges may also challenge low-income customers. However, even with SFV, the consumer's bill for supply, which represents a

¹⁸ NFG Comments at 2.

¹⁹ AEE Comments at 8-9.

²⁰ FirstEnergy Comments at 14.

²¹ PPL Comments at 11-12.

²² OCA Comments at 15, 54 and Reply Comments at 10, 11, 24-26.

²³ OSBA Comments at 6-7.

²⁴ ACEEE Comments at 3 and Reply Comments at 1-2.

²⁵ Specifically, 66 Pa.C.S. § 2806.1(k)(2).

¹⁶ Industrials Comments at 2, 5-8 and Reply Comments at 3-7.

¹⁷ Duquesne Comments at 14-16.

variable cost, would continue to be based on the consumer's actual consumption of electricity, natural gas or water.

a. *Comments*

Duquesne states that while it supports continuing use of cost trackers as well as the distribution system improvement charge (DSIC) and is considering new methodologies, including select performance incentives, revenue normalization adjustment clauses and formulaic approaches, in the interim, it supports a move toward more SFV pricing.²⁶ FirstEnergy states that SFV removes the utility's throughput incentive and can be easily implemented as part of a base rate proceeding without negatively impacting the use of fully projected future test year (FPFTY), DSIC or other cost trackers in a way that aligns charges to match the fixed and variable nature of the utility's costs.²⁷ Citizens states that expanding the definition of "customer charge" to include additional demand-related costs that can be included in the fixed charge can present the benefits of stable revenues for utilities and charges for customers.²⁸ PPL notes that it supports and currently uses a form of SFV pricing for its commercial and industrial (C&I) customers and has recently increased its customer charges for residential rates to reflect customer cost of service and enhanced revenue protection. PPL states that SFV is compatible with a multi-year rate plan with full revenue decoupling.²⁹ Columbia also states that, ideally, residential customers would be charged a flat monthly rate for distribution service as it most accurately reflects the manner in which the utility incurs costs to serve these customers, and that it will lessen the subsidies between customer classes.³⁰ Aqua states that designing utility rates that emphasize a greater weight on the fixed charge would help ensure that the utility is collecting its authorized revenue requirement, reduce the risk of regulatory lag, and provide more predictable rate requests in the future.³¹

PAWC states that decoupling is preferable to SFV and asserts that SFV shifts more of the cost of service to lower water use customers, does not provide customers with appropriate price signals that incent conservation and negatively impacts low-income customers.³² OCA asserts that SFV with high fixed charges often involves an expanded definition of fixed costs to the point where it severs the relationship between usage and the embedded costs of the utility system, becomes contrary to effective EE&C efforts and is contrary to prior Commission decisions.³³ OSBA asserts that since most distribution costs are considered fixed in the short run, SFV effectively decouples a utility's revenue stream from usage levels resulting in charges that are not avoidable by reducing usage and would likely violate the Commonwealth Court's decision in *Lloyd v. Pa. PUC*, 904 A.2d 1010, 1020 (Pa. Cmwlth. 2006).³⁴ AEE states that they are particularly concerned about the risk of decoupling bills from consumption as a disincentive to efficient use of electricity.³⁵ KEEA asserts that SFV should not be pursued because it weakens the price signal to customers, improperly allocates costs within rate classes, adversely impacts low-usage customers and harms low-income customers.³⁶

²⁶ Duquesne Comments at 8, 10–13.

²⁷ FirstEnergy Comments at 9, 10, 12–14, 18, 19 and Reply Comments at 8, 9, 12.

²⁸ Citizens Comments at 5, 4 and Reply Comments at 1, 2.

²⁹ PPL Comments at 12.

³⁰ Columbia Comments at 7–9, 14, 15.

³¹ Aqua Comments at 5, 6.

³² PAWC Reply Comments at fn. 4.

³³ OCA Comments at 15–17 and Reply Comments at 12–15, 26–29, 36.

³⁴ OSBA Comments at 9.

³⁵ AEE Comments at 9.

³⁶ KEEA Reply Comments at 4, 8–11.

ACEEE asserts that SFV is not cost based and sends very poor price signals to customers to conserve electricity that would drive higher utility costs due to increased infrastructure investments to meet the higher demand.³⁷

b. *Commission View*

The Commission recognizes that SFV will reduce the price signals to customers in regard to the actual consumption of supply, particularly in those situations where a utility's fixed costs make up a significant portion of a customer's entire bill. Alternatively, in situations where the fixed costs comprise a relatively small part of a customer's total bill, SFV will have little impact on a customer's incentive to employ efficiency measures and more appropriately aligns the utility's costs with the long-term causes of those costs. However, to the extent that fixed costs are used to amplify the price signals for consumption of supply, this is, in economic terms, an artificially high price signal because the costs of the distribution system, in the short run, are fixed and do not vary by day or by month. More significantly, while the supply costs of energy, natural gas and water vary as their consumption varies, distribution service costs do not vary, in the short run between rate cases, in proportion to a consumer's daily or monthly levels of consumption.

Furthermore, we agree with the parties that note that SFV provides utilities with greater revenue stability and reduces the disincentives for utilities to promote efficiency and conservation measures. Regarding impacts on high usage customers and low-income customers, the Commission again recognizes that in certain circumstances, these customers may be negatively impacted, but also recognize that these impacts may vary by utility and may be appropriately mitigated by other programs, such as the Low-Income Usage Reduction Program (LIURP), the Low-Income Heating Assistance Program (LIHEAP) and utility consumer assistance programs (CAPs). Accordingly, as with the other rate methodologies discussed in this proceeding, while not rejecting SFV, any utility proposing SFV will need to demonstrate that the proposed rate does not discourage efficiency measures, appropriately aligns costs in accordance with cost causation principles, and does not inappropriately impact low-income customers or appropriately mitigates such impacts, among other things.

4. *Multiyear Rate Plans*

A multiyear rate plan implements a moratorium on base rate case filings and either automatically adjusts rates based on an index such as inflation or sets rates to increase in steps for the duration of the plan. Some multiyear rate plans are set based upon a target return on equity with both the surplus and deficit earnings shared between the utility and ratepayers. As a means to counteract any tendency towards inefficacy or lack of cost control, multiyear rate plans typically include a performance-based incentive to limit any adverse effect the plan may have. Multiyear rate plans can adjust rates automatically for changing economic conditions and thereby provide a utility with greater assurance of earning its authorized revenue requirement. Automatic adjustments in multiyear rate plans also reduce regulatory lag and can reduce the frequency of base rate filings by removing the need for a rate case filing if the plan is tied to the proper index. Under a multiyear rate plan, it may be difficult to accurately project rate base investment and other costs for the duration of the usual three- to five-year plan.

³⁷ ACEEE Reply Comments at 2, 3.

a. *Comments*

PPL believes that a multi-year rate plan with full revenue decoupling is the most appropriate rate methodology to address its need and the needs of its customers.³⁸ PECO states that multi-year rate plans can provide a more predictable revenue stream, particularly when a utility is anticipating substantial capital investment, and can include performance-based incentives to encourage utilities to control costs. PECO, however, believes that legislation authorizing multi-year rate plans might be required.³⁹ AEE asserts that along with performance-based rates, multi-year rate plans provide stability for utilities, cuts down on the cost of administrative oversight and can play an important part in providing utilities with the right incentives to meet state policy objectives.⁴⁰

OCA asserts that Pennsylvania law and accepted ratemaking principles do not permit multi-year rate plans, citing FPFTY in Section 315 of the Public Utility Code, 66 Pa.C.S. § 315(e).⁴¹ OSBA states that while multi-year rate plans would reduce the frequency of rate cases, DSIC in combination with FPFTY effectively eliminate the need for annual rate filings.⁴²

b. *Commission View*

Initially, the Commission notes that, as the parties point out, multi-year rate plans may be more effective and appropriate when combined with other rate methodologies as opposed to a standalone rate mechanism. Again, as with the other rate methodologies discussed in this proceeding, the utilities' unique circumstances may warrant the use of a multi-year rate plan. Regarding OCA's assertion that Pennsylvania law does not permit multi-year rate plans or PECO's suggestion that legislation specifically permitting multi-year rate plans be promulgated prior to their adoption, the Commission, at this time, takes no position on their legality and would expect any proposal, including multi-year rate plans, to include legal justification.

With that said, we are not adopting, nor precluding, any particular rate methodology in this proceeding. Under the proposed policy statement, any utility proposing a multi-year rate plan will need to demonstrate, in addition to the Commission's authority to approve it, that the proposed rate plan does not discourage efficiency measures, appropriately aligns costs in accordance with cost causation principles, and does not inappropriately impact low-income customers or appropriately mitigates such impacts, among other things.

5. *Demand Charges*

This method establishes distribution system rates based on the distribution system capacity used by the customer (kilowatts for electric, hundred cubic feet for natural gas, and per-100-gallons for water). Historically, demand charges have been used to recover generation, transmission, or distribution system capacity costs from primarily large-volume C&I customers. Demand charges can vary in design. The objective behind the use of demand charges is to send desired price signals to influence customer behavior by encouraging customers to direct their usage to off-peak demand periods, as opposed to on-peak periods. Shifting demand to off-peak periods may increase the load factor of the utility system and therefore potentially defer investments in additional system capacity. Pricing usage on such a cost-of-service

basis, with peak usage being priced higher than off-peak, can allow utilities the opportunity to obtain cost recovery that more closely approximates cost incurrence.⁴³

a. *Comments*

OSBA states that the vast majority of small business customers are currently served on rate schedules that include a demand charge and that OSBA supports the use of demand charges for small business customers, provided the charges are cost based. OSBA could also support cost-based demand charges for small business customers in the gas and water industries, with an appropriate phase-in period and adequate education.⁴⁴ UGI states that for its electric division, implementing demand charges for residential customers would involve an investment in smart meters and appropriate back office systems and that there are other means to address DER.⁴⁵ OCA does not support mandatory demand charges for residential customers as there has not been acceptance of such charges given their complexities and potential for unreasonable and burdensome results.⁴⁶

PULP asserts that low-income and income-challenged consumers would be disproportionately harmed by demand charges as residential consumers cannot appropriately respond to demand charge price signals, even with extensive education.⁴⁷ ACEEE asserts that the cost bases for residential demand charges are highly questionable as the distribution system is not sized to meet the utility system-wide peak or a customer's individual peak, it is sized to meet a diverse set of individual customer loads that may or may not align with the system peak.⁴⁸ KEEA and NRDC oppose demand charges for residential customers and suggest that time-of-use rates and other time-varying rates such as critical peak pricing and peak time rebates are more proven alternatives.⁴⁹

b. *Commission View*

As stated previously, we are not adopting, nor precluding, any particular rate methodology in this proceeding. Under the proposed policy statement, any utility proposing a rate plan will need to demonstrate, in addition to the Commission's authority to approve it, that the proposed rate plan does not discourage efficiency measures, appropriately aligns costs in accordance with cost causation principles, and does not inappropriately impact low-income customers or appropriately mitigates such impacts, among other things. However, to the extent that demand charges are cost-based and reflective of the distribution service costs for particular customers, categories of customers or geographic areas, such charges may be appropriate for further development in utility rate structures to better align rates with costs.

For the electric utility industry, Section 69.3303 provides an illustrative example of critical peak pricing or similar demand-based programs that use average usage over critical peak periods as demand-based billing determinants. A critical peak pricing proposal could be (1) a fixed customer charge component reflecting metering, final line transformer and service drop cost recovery, (2) a critical peak volumetric price or average demand component, which reflects usage over the local or nodal substations, feeders, and other related distribution system com-

⁴³ See Distributed Energy Resources Rate Design and Compensation: A Manual Prepared by the NARUC Staff Subcommittee on Rate Design at 98-99, available at <http://pubs.naruc.org/pub/19FDF48B-AA57-5160-DBA1-BE2E9C2F7EAO>.

⁴⁴ OSBA Comments at 10.

⁴⁵ UGI Comments at 16.

⁴⁶ OCA Comments at 39–50 and Reply Comments at 18–20, 38, 39.

⁴⁷ PULP Comments at 3–7.

⁴⁸ ACEEE Comments at 4, 5.

⁴⁹ KEEA Comments at 20, NRDC Comments at 14–17.

³⁸ PPL Comments at 11.

³⁹ PECO Comments at 11, 12.

⁴⁰ AEE Comments at 6, 10.

⁴¹ OCA Reply Comments at 17, 18.

⁴² OSBA Reply Comments at 5.

ponents during localized peak usage periods, and (3) a volumetric on-peak, off-peak, or other rate for recovery of other distribution costs. An electric utility proposal under this rate design could be applicable to certain customer rate classes or services or designed for specific geographic locations within a service territory where such focus better serves the goals of eliminating the need for future capital investments, maximizing system utilization, or providing incentives for other Commission policies.

6. Standby and Backup Charges

Standby charges are typically assessed on customers that fully or partially self-supply and have utility service as a backup in case of loss of self-supply, either planned or unplanned. Standby service ensures that the utility maintains adequate reserves to supply service to the self-supply customer upon demand. These charges typically involve a demand charge and an energy charge that together recover the cost of the energy used by the customer as well as the cost of the capacity to meet the customer's peak demand needs. Backup service is similar to standby service except it is usually not available instantaneously and is used to cover planned outages with long lead-time notice.⁵⁰

a. Comments

FirstEnergy states that it already offers two types of standby rates, backup and maintenance service, and reserves capacity up to the level agreed so the cost of service for allocated distribution service assets are designed to be recovered through standby rates.⁵¹ The CHP Advocates state that excessive standby rates harm competitiveness and discourage companies from developing combined heat and power (CHP) and waste heat projects. In particular, they state that tariffs that are based on the unlikely assumption that utilities must maintain excess capacity equivalent to a CHP facility's generation capacity do not consider the diversity of customer load and the actual cost of service imposed by partial use customers that generate their own power 95% of the time.⁵² ACEEE asserts that confusing and often excessive charges for supplemental, standby and back-up electricity can create a disincentive to invest in CHP.⁵³

AIE and KEEA state that the Commission should work with utilities to adopt fair and transparent standby tariffs that allow utilities to recover costs and encourage reductions in peak load, such as the Model Standby Service Template developed by the Midwest Cogeneration Association.⁵⁴ AEE suggests that to mitigate disincentives standby rates may have on DER such rates should include a rebate that is equal to contracted demand less the customer's actual maximum demand in two consecutive summer periods during peak hours.⁵⁵

b. Commission View

As stated previously, we are not adopting, nor precluding, any particular rate methodology in this proceeding. Under the proposed policy statement, any utility proposing a rate plan will need to demonstrate, in addition to the Commission's authority to approve it, that the proposed rate plan does not discourage efficiency measures, appropriately aligns costs in accordance with cost causation principles, and does not inappropriately impact DER, among other things.

⁵⁰ See Distributed Energy Resources Rate Design and Compensation: A Manual Prepared by the NARUC Staff Subcommittee on Rate Design at 120–123, available at <http://pubs.naruc.org/pub/19FDF48B-AA57-5160-DBA1-BE2E9C2F7EA0>.

⁵¹ FirstEnergy Reply Comments at 14, 15.

⁵² CHP Advocates Comments at 1–4.

⁵³ ACEEE Comments at 6.

⁵⁴ AIE Comments at 3, 4; KEEA Comments at 19, 20.

⁵⁵ AEE Comments at 11, 12.

7. DSM Performance Incentive Mechanism

As part of the en banc hearing, several witnesses and commentators suggested that in order to remove barriers for utilities to promote EE&C programs, both revenue decoupling and performance incentive mechanisms should be implemented together. In particular, Mr. Miller testified that “while revenue decoupling removes utilities financial disincentives to pursue advanced technologies that reduce energy consumption, it does not provide a positive incentive to utilities to pursue these technologies per se.”⁵⁶ He went on to testify that “in order to better incentivize utilities to aggressively pursue actions that will reduce energy consumption, the Commission should adopt targeted performance incentive mechanisms (PIMs) alongside revenue decoupling.”⁵⁷

a. Comments

FirstEnergy states that establishing true performance incentive mechanisms for exceeding goals would better align the Commission's public policy goals relative to EE&C performance with an EDC's operating performance, as well as the utility's revenue. FirstEnergy advocates for a shared savings approach to incentivize utilities to exceed their statutorily-mandated EE&C reduction goals.⁵⁸ PPL asserts that PIM deployment should not be limited to EE&C programs and could begin in Pennsylvania with state-wide metrics, such as customer satisfaction and reliability, that are applied to utilities of the same type through best-in-class benchmarks that are already defined by the industry and the Commission.⁵⁹ Duquesne also states that performance incentives could be tied to a number of different areas, EE&C targets, reliability metrics, safety performance, among others.⁶⁰ UGI generally supports the concept of offering performance incentives establishing authorized rates of return in base rate proceedings and believes the Commission already has the requisite legal authority to do so under 66 Pa.C.S. § 523.⁶¹

NRDC asserts that a well-designed PIM would not only provide more incentive for EDCs to spend up to their Act 129 budgets and achieve more cost-effective energy savings; it would also provide additional efficiency measures and other assistance to low-income consumers, alleviating the significant energy burdens that they face.⁶² AEE supports implementing broad PIMs that tie designated financial rewards and penalties to specific performance metrics. AEE states that PIMs shift the focus of the utility from static cost minimization to enhancement of value as utilities are incented to improve performance. AEE argues that this leads to an increased return on investment and enhanced transparency and accountability and also addresses prudence and value of capital investment.⁶³ KEEA also supports PIMs as one of the most useful tools to incent utilities to meet and exceed public policy goals, such as increasing the deployment of energy efficiency measures.⁶⁴ ACEEE also supports the adoption of PIMs to drive greater performance in EE&C programs.⁶⁵

PECO notes that PIMs may not be permitted by Act 129, and that PIMs alone would not address existing cost-shifting concerns, including those generated by net

⁵⁶ Testimony of Eric Miller at 6.

⁵⁷ Id. See also Testimony of Eric Ackerman at 3.

⁵⁸ FirstEnergy Reply Comments at 6, 7.

⁵⁹ PPL Comments at 15, 16.

⁶⁰ Duquesne Comments at 13.

⁶¹ UGI Comments at 17.

⁶² NRDC Comments at 8–12.

⁶³ AEE Comments at 3, 9.

⁶⁴ KEEA Comments at 10–13 and Reply Comments at 6, 7.

⁶⁵ ACEEE Comments at 7.

metering.⁶⁶ The OCA submits that the EDCs have achieved robust energy efficiency and demand response under Act 129 without PIMs and further notes that demand response programs are also provided by competitive suppliers, making EDC performance metrics particularly inappropriate in a competitive environment.⁶⁷ OSBA also asserts that PIMs are unnecessary with respect to EDCs required to comply with Act 129, but may be appropriately considered in the natural gas and water/wastewater arenas, provided they are coupled with an approved, utility-specific EE&C program to facilitate an after-the-fact evaluation.⁶⁸

b. *Commission View*

As stated previously, we are not adopting, nor precluding, any particular rate methodology or performance incentive in this proceeding. Under the proposed policy statement, any utility proposing a rate plan that includes performance incentives will need to demonstrate, in addition to the Commission's authority to approve it, that the proposed rate plan including performance incentives does not discourage efficiency measures, appropriately aligns costs in accordance with cost causation principles, and does not inappropriately impact low-income customers or appropriately mitigates such impacts, among other things.

B. *Proposed Policy Statement*

A consistent theme expressed in the comments is that the Commission should not take a one-size-fits-all approach, with some parties suggesting that we establish guidelines.⁶⁹ We agree with these parties that the type and extent of alternative ratemaking methodologies employed by each fixed utility should be developed in a transparent manner in accordance with each utility's unique circumstances. We also agree that establishment of the guidelines each utility and stakeholder should consider in a Section 1308 rate proceeding would be helpful in determining if, the type(s) of and to what extent, alternative ratemaking methodologies should be employed.

With this Order, we are proposing the following Policy Statement as set forth in Annex A to this Order. Initially, we propose a paragraph setting forth the purpose and scope of the proposed policy statement. This paragraph is intended to establish what the Commission views as important policy initiatives that must be considered in designing and establishing rates for all classes of fixed utility customers. It is not intended to convey all policy initiatives that are to be considered, or that these policy initiatives are to be considered above all other ratemaking principles, but to identify these policy initiatives as important to the Commission. Specifically, we propose the following:

§ 69.3301. *Purpose and Scope*

Due to Federal and State policy initiatives to promote the efficient use of electricity, natural gas and water, as well as policy initiatives to promote distributed energy, the fixed utilities within this Commonwealth have seen minimal, flat or even declining load growth. The purpose

of this policy statement is to invite the proposal, within a utility's base rate proceeding, of fixed utility distribution rate designs that further promote these Federal and State policy objectives, reduce fixed utility disincentives for promoting these objectives, provide incentives to improve system economic efficiency, avoid future capital investments, and ensure that fixed utilities receive adequate revenue to maintain the safe and reliable operation of their distribution systems. At the same time, an alternative rate design methodology should reflect the sound application of cost of service principles, establish a rate structure that is just and reasonable, and consider customer impacts.

Next, we propose the following guidelines for specific issues that the Commission will consider in reviewing the rates and proposed rate structures filed by fixed utilities:

§ 69.3302. *Distribution rate considerations.*

(a) In determining just and reasonable distribution rates that promote the efficient use of electricity, natural gas or water, as well as the use of distributed energy resources, the Commission will consider, among other relevant factors:

- (1) How the rates align revenues with cost causation principles as to both fixed and variable costs.
- (2) How the rates impact the fixed utility's capacity utilization.
- (3) Whether the rates reflect the level of demand associated with the customer's anticipated consumption levels.
- (4) How the rates limit or eliminate inter-class and intra-class cost shifting.
- (5) How the rates limit or eliminate disincentives for the promotion of efficiency programs.
- (6) How the rates impact customer incentives to employ efficiency measures and distributed energy resources.
- (7) How the rates impact low-income customers and support consumer assistance programs.
- (8) How the rates impact customer rate stability principles.
- (9) How weather impacts utility revenue under these rates.
- (10) How the rates impact the frequency of rate case filings and affect regulatory lag.
- (11) If or how the rates interact with other revenue sources, such as Section 1307 automatic adjustment surcharges, 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments), riders such as 66 Pa.C.S. § 2804(9) (relating to universal service and energy conservation policies) or system improvement charges, 66 Pa.C.S. § 1353 (relating to distribution system improvement charge).
- (12) Whether the alternative rate mechanism includes appropriate consumer protections.
- (13) Whether the alternative rate mechanism is understandable and acceptable to consumers and comports with Pennsylvania law.

(b) In any distribution rate filing by a fixed utility under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates), the fixed utility shall explain how these factors impact the distribution rates for each customer class.

The utility landscape is evolving rapidly, none more rapidly than the electric industry. Increased penetration of distributed energy resources and electric vehicles pres-

⁶⁶ PECO Comments at 12, 13 and Reply Comments at 10, 11.

⁶⁷ OCA Reply Comments at 20.

⁶⁸ OSBA Comments at 8.

⁶⁹ See Columbia Reply Comments at 2; Council Comments at 6-7; Duquesne Comments at 5 and Reply Comments at 8-9; EAP Comments at 3 and Reply Comments at 2-3; FirstEnergy Comments at 20; I&E Comments at 2, 8, 9; NFG Reply Comments at 2, 6; Industrials Reply Comments at 9; KEEA Reply Comments at 3-4; OSBA Comments at 11; Peoples Comments at 3-4 and Reply Comments at 3; PAWC Reply Comments at 1-2; PECO Comments at 3 and Reply Comments at 1, 3-6; PGW Comments at 1-2, 10; PPL Comments at 2 and Reply Comments at 2; PSU Reply Comments at 3-4, 10-11; UGI Comments at 4-5; and VCW Comments at 3 and Reply Comments at 1.

ent both a challenge and an opportunity for regulators and utilities. From a challenge perspective, the increased adoption of these technologies will likely work to decrease utilities' capacity utilization—or the ratio of peak demand to average demand. This places significant headwinds on distribution rates. However, the electricity industry has an opportunity to utilize the portfolio of new technologies such as advanced metering, advanced grid monitoring, energy efficiency, demand response, and smart thermostats to better accommodate the evolving demand profiles created by this new energy landscape.

Accordingly, we wish to highlight that this proposed policy statement includes a general provision related to the impact of capacity utilization. As a measure, capacity utilization can be used to judge the efficiency of an electric distribution system. We are interested in consideration of rates by our electric utilities which can work to increase distribution system capacity utilization to foster system efficiency, and, insulate customers from rate increases. We encourage parties to comment on rate designs that can foster distributed energy adoption while also working to increase capacity utilization in an effort to potentially guide the Commission to more specific policy statement provisions.

Finally, we propose possible ratemaking and rate design options for electric and natural gas distribution companies. As previously noted, Section 69.3303 recognizes that the changing energy landscape, in particular, necessitates rate designs that address a few first-order principles:

1. Policies must support the continued efficient use of all energy resources.

2. The evolution of a distributed energy environment requires substantial and well-targeted investment in distribution infrastructure.

3. Policies must encourage least-cost solutions, with cost recovery based on long-term cost causation.

4. Rate design should embrace, where feasible, the additional capabilities enabled by smart meter deployment.

5. Finally, as noted by the OCA, "costs are variable in the long run."⁷⁰ Therefore, it may be appropriate for energy utilities to design rates in a manner that minimizes the long-term costs of serving existing and new loads. Given the substantial and ongoing Long-Term Infrastructure Improvement Plan spending by the electric and natural gas utilities, a long-term approach to rate design may be appropriate.

Given these principles, the Commission notes that a number of new approaches in the electric industry could be advanced. These include, but are not limited to, performance-based incentive rate designs, performance incentive mechanisms, various levels of decoupling, and variations of demand-based and time-of-use pricing options, such as critical peak pricing.

Given current advanced metering constraints in the natural gas industry, models such as a weather normalization adjustment⁷¹ or a revenue per customer adjustment,⁷² if proposed and implemented with care, could balance utility and consumer needs by just and reason-

able means that better ensure utility revenue recovery and system use. On the electric utility side, critical peak pricing and demand-based programs that use average usage over critical peak periods as demand-based billing determinants may offer a proper balance of these interests.

For these reasons, the Commission proposes the addition of the new subsection 69.3303, for illustrative purposes, these principles for consideration. The inclusion of this subsection does not signal, nor should it be interpreted as signaling, any predilection by the Commission to favor one proposal over another or any predetermination by the Commission that the proposal of one of these examples comes with any presumption of approval. As evidenced in this proceeding, there are a variety of rate designs that address the needs of a changing utility landscape. We believe it is important to note options that are grounded in ratemaking principles and may help customers and utilities move forward to minimize future long-term costs, allocate capital more efficiently, and achieve important policy objectives.

§ 69.3303. *Illustration of possible distribution ratemaking and rate design options for the energy industry.*

(a) In a base rate proceeding, energy utilities may propose, among others, alternative rate designs and methodologies identified in this subsection that will be subject to Commission approval or modification. Identification of these proposals is for illustration only. It does not propose the adoption, nor preclude the consideration, of any particular design or methodology, and it does not signal, nor should it be interpreted as signaling, any predilection by the Commission for one proposal over another or any predetermination of approval by the Commission of one proposal over another.

(b) A natural gas distribution company may propose a weather normalization adjustment and/or revenue per customer ratemaking proposal. Any proposal under this subsection:

(1) Must address consumer protection issues including, but not limited to, revenue adjustment dead-bands, seasonal adjustment limitations, adjustment timelines, and any just and reasonable cost of capital adjustments.

(2) Must describe which rate classes are subject to the ratemaking proposal.

(c) An electric distribution company may propose critical peak pricing or similar demand-based programs that use average usage over critical peak periods as demand-based billing determinants. A critical peak pricing proposal should be composed of:

(1) A fixed customer charge component reflecting metering, final line transformer and service drop cost recovery.

(2) A critical peak volumetric price or average demand component, which reflects usage over the local or nodal substations, feeders, and other related distribution system components during localized peak usage periods.

(3) A volumetric on-peak, off-peak, or other rate for recovery of other distribution costs.

(d) Optional rate designs under this subsection may be applicable to certain customer rate classes or services or designed for specific geographic locations within a service territory where such focus better serves the goals of eliminating the need for future capital investments, maximizing system utilization, or providing incentives for other Commission policies.

⁷⁰ See OCA Reply Comments at 12.

⁷¹ Weather normalization adjustments were implemented by both Columbia Gas of Pennsylvania, Inc. since 2012 and Philadelphia Gas Works since 2002. See Columbia Reply Comments at 3-4 and PGW Comments at 4.

⁷² Revenue per customer adjustments have already been implemented in other states such as Ohio, Maryland, Massachusetts and Virginia, therefore, there is a history of experience from which to draw if proposing effective revenue per customer adjustments to benefit both customers and utilities. See Columbia Comments at 6.

Again, these guidelines are not meant to be the only issues the Commission will consider in any rate case, or that they are to be considered above all other ratemaking principles, but to identify these policy issues as important to the Commission. These guidelines are intended to ensure that these issues are considered and addressed to ensure that we have the most appropriate rates for the changing utility environment.

Conclusion

With this Order, the Commission is proposing guidance for fixed utilities and interested stakeholders on what is to be considered when investigating alternative ratemaking methodologies in a Section 1308 rate proceeding. The Commission welcomes comments on all aspects of this proposed policy statement; *Therefore*,

It Is Ordered That:

1. The proposed policy statement set forth in Annex A is issued for comment.

2. The Law Bureau shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. Interested parties shall have 60 days from the date of publication of this proposed policy statement in the *Pennsylvania Bulletin* to file written comments referencing Docket No. M-2015-2518883 to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, Second Floor, 400 North Street, Harrisburg, Pennsylvania 17120. Comments may also be filed electronically through the Commission's e-File System.

5. Written replies to comments referencing Docket No. M-2015-2518883 be submitted within 90 days of the date of publication of this proposed policy statement in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, Second Floor, 400 North Street, Harrisburg, Pennsylvania 17120. Comments may also be filed electronically through the Commission's e-File System.

6. A copy of this order be served on all jurisdictional electric distribution companies, all jurisdictional natural gas distribution companies, all jurisdictional water and wastewater utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, and all parties that filed comments at Docket No. M-2015-2518883.

7. The contact persons for this matter are Kriss Brown in the Law Bureau (717) 787-4518, kribrown@pa.gov, Marissa Boyle, (717) 787-7237, maboyle@pa.gov and Andrew Herster, (717) 783-5392, aherster@pa.gov in the Bureau of Technical Utility Services.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-322. No fiscal impact; (8) recommends adoption.

Statement of Chairperson Gladys M. Brown

Before the Commission are the comments regarding alternative rate-making policies for fixed utilities. I thank each entity which has informed the record with proposals and considerations. Today the Commission takes its next step in deliberating the future of utility rates.

The utility landscape is evolving rapidly, none more rapidly than the electricity industry. Increased penetration of distributed energy resources and electric vehicles present both a challenge and an opportunity for regulators and utilities. From a challenge perspective, the increased adoption of these technologies will likely work to decrease utilities' capacity utilization—or the ratio of peak demand to average demand. This places significant headwinds on distribution rates. However, the electricity industry has an opportunity to utilize the portfolio of new technologies such as advanced metering, advanced grid monitoring, energy efficiency, demand response, and smart thermostats to better accommodate the evolving demand profiles created by this new energy landscape.

Accordingly, I wish to highlight that this proposed policy statement includes a general provision related to the impact of capacity utilization. As a measure, capacity utilization can be used to judge the efficiency of an electric distribution system. I am interested in consideration of rates by our electric utilities which can work to increase distribution system capacity utilization in effort to foster system efficiency, and, insulate customers from rate increases. I encourage parties to comment on rate designs that can foster distributed energy adoption while also working to increase capacity utilization in effort to potentially guide the Commission to more specific policy statement annex provisions.

GLADYS M. BROWN,
Chairperson

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

DISTRIBUTION RATES—STATEMENT OF POLICY

§ 69.3301. Purpose and scope.

Due to Federal and State policy initiatives to promote the efficient use of electricity, natural gas and water, as well as policy initiatives to promote distributed energy, the fixed utilities in this Commonwealth have seen minimal, flat or even declining load growth. The purpose of this statement of policy is to invite the proposal, within a utility's base rate proceeding, of fixed utility distribution rate designs that further promote these Federal and State policy objectives, reduce fixed utility disincentives for promoting these objectives, provide incentives to improve system economic efficiency, avoid future capital investments, and ensure that fixed utilities receive adequate revenue to maintain the safe and reliable operation of their distribution systems. At the same time, an alternative rate design methodology should reflect the sound application of cost of service principles, establish a rate structure that is just and reasonable, and consider customer impacts.

§ 69.3302. Distribution rate considerations.

(a) In determining just and reasonable distribution rates that promote the efficient use of electricity, natural gas or water, as well as the use of distributed energy resources, the Commission will consider, among other relevant factors, the following:

(1) How the rates align revenues with cost causation principles as to both fixed and variable costs.

(2) How the rates impact the fixed utility's capacity utilization.

(3) Whether the rates reflect the level of demand associated with the customer's anticipated consumption levels.

(4) How the rates limit or eliminate interclass and intraclass cost shifting.

(5) How the rates limit or eliminate disincentives for the promotion of efficiency programs.

(6) How the rates impact customer incentives to employ efficiency measures and distributed energy resources.

(7) How the rates impact low-income customers and support consumer assistance programs.

(8) How the rates impact customer rate stability principles.

(9) How weather impacts utility revenue under these rates.

(10) How the rates impact the frequency of rate case filings and affect regulatory lag.

(11) If or how the rates interact with other revenue sources, such as Section 1307 automatic adjustment surcharges, 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments), riders such as 66 Pa.C.S. § 2804(9) (relating to standards for restructuring of electric industry) or system improvement charges, 66 Pa.C.S. § 1353 (relating to distribution system improvement charge).

(12) Whether the alternative rate mechanism includes appropriate consumer protections.

(13) Whether the alternative rate mechanism is understandable and acceptable to consumers and comports with Commonwealth law.

(b) In any distribution rate filing by a fixed utility under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates), the fixed utility shall explain how these factors impact the distribution rates for each customer class.

§ 69.3303. Illustration of possible distribution ratemaking and rate design options for the energy industry.

(a) In a base rate proceeding, energy utilities may propose, among others, alternative rate designs and methodologies identified in this subsection that will be subject to Commission approval or modification. Identification of these proposals is for illustration only. It does not propose the adoption, nor preclude the consideration, of any particular design or methodology, and it does not signal, nor should it be interpreted as signaling, any predilection by the Commission for one proposal over another or any predetermination of approval by the Commission of one proposal over another.

(b) A natural gas distribution company may propose a weather normalization adjustment or revenue per customer ratemaking proposal, or both. Any proposal under this subsection must:

(1) Address consumer protection issues including revenue adjustment dead-bands, seasonal adjustment limitations, adjustment timelines, and any just and reasonable cost of capital adjustments.

(2) Describe which rate classes are subject to the ratemaking proposal.

(c) An electric distribution company may propose critical peak pricing or similar demand-based programs that use average usage over critical peak periods as demand-based billing determinants. A critical peak pricing proposal should be composed of all of the following:

(1) A fixed customer charge component reflecting metering, final line transformer and service drop cost recovery.

(2) A critical peak volumetric price or average demand component, which reflects usage over the local or nodal substations, feeders and other related distribution system components during localized peak usage periods.

(3) A volumetric on-peak, off-peak or other rate for recovery of other distribution costs.

(d) Optional rate designs under this subsection may be applicable to certain customer rate classes or services or designed for specific geographic locations within a service territory where this focus better serves the goals of eliminating the need for future capital investments, maximizing system utilization or providing incentives for other Commission policies.

[Pa.B. Doc. No. 18-963. Filed for public inspection June 22, 2018, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	\$0.51 per pound
Available phosphate	\$0.41 per pound
Soluble potash	\$0.35 per pound

Further Information

Further information is available by contacting David Dressler, Agronomic Program Specialist, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5215.

Effective Date

These commercial values are effective beginning July 1, 2018, and shall remain effective until further notice.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 18-964. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 12, 2018.

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

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-12-2018	Advantage Bank Lemoyne Cumberland County Application for approval to merge First Bank of Lilly, Lilly, with and into Advantage Bank, Lemoyne.	Withdrawn

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-6-2018	ESSA Bank & Trust Stroudsburg Monroe County	600 West Hamilton Street Allentown Lehigh County	Approved
6-6-2018	Kish Bank Belleville Mifflin County	109 East Main Street Allensville Mifflin County	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-4-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2324 Ardmore Boulevard Forest Hills Allegheny County <i>From:</i> 2020 Ardmore Boulevard Forest Hills Allegheny County	Effective

**CREDIT UNIONS
Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-8-2018	TruMark Financial Credit Union Fort Washington Montgomery County	Filed
	Application for approval to merge Philadelphia Mint Federal Credit Union, Philadelphia, with and into TruMark Financial Credit Union, Fort Washington.	

**Branch Applications
De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-11-2018	Hidden River Credit Union Pottsville Schuylkill County	32 Mahanoy Avenue Tamaqua Schuylkill County	Filed

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 18-965. Filed for public inspection June 22, 2018, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Applications, Actions and Special Notices**

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0088960—IW	West Saint Clair Township/ Pleasantville Borough Authority PO Box 43 Alum Bank, PA 15521-0043	Bedford/West St. Clair Township	Dunning Creek/11-C	Y
PA0260134—sew	Lancaster Family YMCA (Camp Shand YMCA) 265 Harrisburg Avenue Lancaster, PA 17603-2936	Lebanon/Cornwall Borough	UNT Shearer's Creek/7-G	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0023582 (Sewage)	Freeburg Borough WWTF PO Box 308 Freeburg, PA 17827-0308	Snyder County Freeburg Borough	Unnamed Tributary to Susquehecca Creek (6-A)	Yes
PA0115207 (Sewage)	Orangeville Borough Wastewater Treatment Plant PO Box 176 Orangeville, PA 17859-0176	Columbia County Orangeville Borough	Fishing Creek (5-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0217603 (Sewage)	Cumberland Mine Bathhouse No 6 Portal STP PO Box 1020 158 Portal Road Waynesburg, PA 15370-3020	Greene County Whiteley Township	Unnamed Tributary to Patterson Run (19-G)	Yes

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

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

PA0012637, Industrial, SIC Code 2911, **Monroe Energy LLC**, Trainer Refinery, 4101 Post Road, Trainer, PA 19061-5052. Facility Name: Trainer Refinery. This existing facility is located in Trainer Borough, **Delaware 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), Marcus Hook Creek, Stoney Creek, and Delaware River Estuary Zone 4, are located in State Water Plan watershed 3-G and are classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Monitoring Point 101 are based on a design flow of 65.77 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>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Aluminum, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Copper, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Copper, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Iron, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Iron, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Lead, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Lead, Total Intake	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Monitoring Point 101 are based on a design flow of 65.77 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>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.16 Avg Mo	XXX	0.5
Temperature (deg F)	XXX	XXX	XXX	XXX	XXX	110
Heat Rejection Rate (MBTUs/day)	XXX	67,470	XXX	XXX	XXX	XXX
Total Suspended Solids Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Suspended Solids Effluent Net	16,460	32,920	XXX	Report Avg Mo 30.0	60.0	75
Total Dissolved Solids Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids Effluent Net	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Oil and Grease	8,230	XXX	XXX	15 Avg Mo	XXX	30
Total Organic Carbon Effluent Net	XXX	XXX	XXX	XXX	XXX	5.0
Total Organic Carbon Intake	XXX	XXX	XXX	XXX	XXX	Report Report

The proposed effluent limits for Monitoring Point 201 are based on a design flow of 3.5 MGD.—Interim 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>	
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Monitoring Point 201 are based on a design flow of 3.5 MGD.—Final 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	Report	135	XXX	Report	4.64	4.64
Selenium, Total	0.88	1.75	XXX	0.03	0.06	0.08

The proposed effluent limits for Monitoring Point 201 are based on a design flow of 3.5 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.16	XXX	0.50
Biochemical Oxygen Demand (BOD ₅)	1,000	2,000	XXX	34.0	68.0	85
BOD, carbonaceous, 20 day, 20 C	1,500	XXX	XXX	XXX	XXX	XXX
Chemical Oxygen Demand (COD)	17,608	33,130	XXX	603.0	1,135.0	1,508
Total Suspended Solids	875	1,750	XXX	30.0	60.0	75
Total Dissolved Solids Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	29,190	58,380	XXX	1,000.0	2,000.0	2,500
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	438	876	XXX	15.0	30.0	30
Total Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	1,020	2,040	XXX	35.0	70.0	87
Total Phosphorus	58	83	XXX	2.0	4.0	5
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	1.1	2.4	XXX	0.04	0.08	0.1
Chromium, Total	13	37	XXX	0.45	1.27	1.27
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Sulfide, Total	13	30	XXX	0.45	1.03	1.13
Phenolics, Total	11	34	XXX	0.38	1.16	1.16

The proposed effluent limits for Monitoring Point 201 are based on a design flow of 3.5 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 36.17 MGD.—Interim 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.16	XXX	0.5
Heat Rejection Rate (MBTUs/day)	XXX	43200	XXX	XXX	XXX	XXX
Total Organic Carbon Effluent Net	XXX	XXX	XXX	XXX	XXX	5.0
Intake	XXX	XXX	XXX	XXX	XXX	Report
Total Organic Carbon	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0432 MGD.—Final 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>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.05

The proposed effluent limits for Outfall 002 are based on a design flow of 36.17 MGD./0.0432 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 Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Suspended Solids Effluent Net	XXX	XXX	XXX	30.0 Avg Mo	60.0	75
Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids Intake	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Effluent Net	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Mo	Report	XXX
Oil and Grease	XXX	XXX	XXX	15 Avg Mo	XXX	30

The proposed effluent limits for Outfall 002 are based on a design flow of 36.17 MGD./0.0432 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 Quarterly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Intake	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Silver, Total Intake	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average stormwater flow—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>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on an average stormwater flow—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>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on an average stormwater flow—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>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 015 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 69.27 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>	
Toxicity, Chronic— Ceriodaphnia Survival (TUc) Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Pimephales Survival (TUc) Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

Stormwater Outfalls 003, 011 and 014 are not required to be monitored.

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. BAT/ELG Reopener
- D. Chlorine Optimization
- E. TMDL/WLA Data
- F. 316(a) Modification
- G. WQM Permits
- H. Stormwater Credits

- I. WETT Requirement
- J. Chemical Additives
- K. Heat Rejection Rate
- L. PCB/PMP Requirement
- M. Cooling water Intake
- N. Hydrostatic Discharge
- O. Stormwater Condition
- P. Schedule of Compliance

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

The EPA Waiver is not in effect.

PA0244988, Storm Water, SIC Code 3714, **Federal Mogul Systems Protection Technical Center**, 241 Welsh Pool Road, Exton, PA 19341-1316. Facility Name: Federal Mogul Systems Protection Technical Center. This proposed facility is located in Uwchlan Township, **Chester County**.

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

The receiving stream(s), Pine Creek, is located in State Water Plan watershed 3-D and is classified for Migratory and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 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>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

Proposed Part C Conditions:

- I. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- II. Best Management Practices
- III. Routine Inspections
- IV. Preparedness, Prevention and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
- VI. Other Requirements
 - A. Acquire Necessary Property Rights
 - B. Sludge Disposal Requirements

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

The EPA Waiver is in effect.

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

PA0081795, Sewage, SIC Code 4952, **Tksm LLC**, 1190 Wyndsong Drive, York, PA 17043. Facility Name: Williams Grove MHP. This existing facility is located in Monroe 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), Yellow Breeches Creek, is located in State Water Plan watershed 7-E 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 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Limits.

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

PA0260967, Sewage, SIC Code 6515, **Jeremy S Hunter**, 6983 Wertzville Road, Enola, PA 17025. Facility Name: Hodges MHP. This existing facility is located in Silver Spring 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), Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.013 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.03	XXX	0.10
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.013 MGD.—Limits.

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

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.

PA0082465, Sewage, SIC Code 8661, **Camp Penn Susquehanna Conference of U.M. Church**, 8005 Old Forge Road, Waynesboro, PA 17268. Facility Name: Camp Penn Susquehanna Conference of U.M. Church. 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), East Branch Antietam Creek, is located in State Water Plan watershed 13-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0132 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Nitrate-Nitrite as N Jun 1 - Aug 31	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Nitrogen Jun 1 - Aug 31	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen Total Kjeldahl Nitrogen Jun 1 - Aug 31	XXX	Report Daily Max	XXX	Report XXX	Report Daily Max	XXX
Total Phosphorus Jun 1 - Aug 31	XXX	Report Daily Max	XXX	XXX	Report Daily Max	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.

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

PA0232971, Sewage, SIC Code 4952, **Franklin Township**, PO Box 85, Lairdsville, PA 17742-0085. Facility Name: Lairdsville Wastewater Treatment Plant. This proposed facility is located in Franklin Township, **Lycoming County**.

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

The receiving stream(s), Little Muncy Creek, is located in State Water Plan watershed 10-D 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 0.018 MGD.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	3.5	6.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	4.5	6.5	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net	XXX	60	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)						
Effluent Net	XXX	9.7 Total Annual	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 will be processed in a proposed 9,936-gal holding tank. This is a new facility, it is not known where the sludge will be hauled to at this time.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in not effect.

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

PA0216941, Sewage, SIC Code 4952, **Forest Hills Municipal Authority**, PO Box 337, Saint Michael, PA 15951-0337. Facility Name: South Fork Regional WWTP. This existing facility is located in Conemaugh Township, **Cambria 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 Conemaugh River, is located in State Water Plan watershed 18-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX

<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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	250	375	XXX	25	38	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	300	450	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	Report
May 1 - Oct 31	XXX	XXX	XXX	12.0	XXX	24.0
Bromide	XXX	XXX	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Sludge use and disposal description and location(s): landfilled at Laurel Highlands Landfill, Jackson Township, Cambria County.

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 not in effect.

Central Office: Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774 Phone: 717-787-8184.

PA0270776, Pesticides, SIC Code 0851, **PA DCNR Bureau of Forestry**, PO Box 8552, Harrisburg, PA 17105-8552.

Description of Existing Activity: The application is for a renewal of an NPDES permit for discharges associated with the application of pesticides to suppress/control gypsy moth population to protect the host trees by minimizing defoliation and preventing trees mortality in all forest lands associated with the PA DCNR's Bureau of Forestry, Division of Forest Pest Management Statewide.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the NPDES Permitting Division at 717-787-8184. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, DEP will make a final determination on the issuance of the permit.

The EPA waiver is in effect.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 4618407, Sewage, **Pottstown Borough Authority**, 100 E. High Street, Pottstown, PA 17464.

This proposed facility is located in Pottstown Borough, **Montgomery County**.

Description of Action/Activity: Construction of 2 mechanical fine screens, one (1) by-pass with manual bar screen and removal of the existing comminutors and manual bar screen.

WQM Permit No. 0918401, Sewage, **East Rockhill Township**, 1622 North Ridge Road, Perkasie, PA 18944.

This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction of a new sewage pumping station to replace existing facility.

WQM Permit No. WQG02091806, Sewage, **Warrington Township**, 852 Easton Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Upgrade of pumps, controls and electrical equipment. Addition of a flow meter.

WQM Permit No. 1518404, Sewage, **West Goshen Sewer Authority**, 1025 Paoli Pike, West Chester, PA 19390.

This proposed facility is located in West Goshen Township, **Chester County**.

Description of Action/Activity: Replacement for new comminutor, wet well, pumps, valve vault, electrical enclosure and emergency generator with sub base fuel tank.

WQM Permit No. 4606402, Sewage, Amendment, **Lower Pottsgrove Township Authority**, 2199 Buchert Road, Pottstown, PA 19464.

This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Increase in average flow from 4,000,000 gpd to 5,040,000 gpd.

WQM Permit No. 1512401, Sewage, Amendment, **Aqua Pennsylvania Wastewater Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in New London Township, **Chester County**.

Description of Action/Activity: Conversion of conventional activated sludge process to biological nutrient removal process.

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

WQM Permit No. 0618403, Sewerage, **Muhlenberg Township Authority**, 2840 Kutztown Road, Reading, PA 19605-2655.

This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of Leiszs Bridge Road Sewer Interceptor Project.

WQM Permit No. 0613406, Amendment # 1, Sewerage, **Lower Heidelberg Township**, 720 Brownsville Road, Sinking Spring, PA 19608-9727.

This proposed facility is located in Lower Heidelberg Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the Glen Ridge Sewage Lift Station.

WQM Permit No. 3615403 Amendment # 2, Sewerage, **Turkey Hill LP**, 257 Centerville Rd, Lancaster, PA 17603.

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

Description of Size and Scope of Proposed Operation/Activity: Seeing permit approval for the amendment of associated modules for the aeration tank addition for the Tractor Supply store in Lancaster County, PA.

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

WQM Permit No. WQG01251801, Sewage, **Randall D Brunner**, 10055 State Road, Cranesville, PA 16410.

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

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

WQM Permit No. 4218404, Sewage, **James Felmlee**, 193 Congress Street, Bradford, PA 16701.

This proposed facility is located in Corydon Township, **McKean County**.

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

WQM Permit No. 1008201 A-6, Industrial, **Seneca Landfill Inc.**, PO Box 1080, Mars, PA 16046-1080.

This existing facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: Modify treatment units at existing centralized wastewater treatment plant.

WQM Permit No. 4318406, Sewage, **Shenango Township Municipal Authority Mercer County**, 155 Campground Road, West Middlesex, PA 16159-2803.

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

Description of Proposed Action/Activity: Pump station and force main to convey sewage flows from Oak Tree subdivision to Shenango Township Municipal Authority sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from MS4.

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

PAI132271, MS4, **Blakely Borough**, 1439 Main Street, Peckville, PA 18452. 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 Blakely Borough, **Lackawanna County**. The receiving streams, Lackawanna River, Wildcat Creek, and Hull Creek, are located in State Water Plan watershed 5-A and are classified for High Quality—Cold Water and Migratory Fish (Lackawanna River), Cold Water and Migratory Fish (Wildcat Creek and Hull Creek), as well as aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

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.

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390083	Old Saucon Investments, LP 1954 O'Brien's Court Bethlehem, PA 18015	Lehigh & Northampton	Upper Saucon Twp Lehigh County Lower Saucon Twp Northampton County	UNT to Saucon Creek (CWF, MF) UNT to Black River (CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD190003	RFF Partners c/o Nathan Richard 216 Cemetery Hill Rd Catawissa, PA 17820	Columbia	Cleveland Twp	UNT to Mugser Run

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

<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>
Murmac Farms, LLC 2336 Zion Road Bellefonte, PA 16823	Centre	1,137	3,018.75	Dairy	NA	Renewal
Fine Swine LLC 488 Jay Road Clearville, PA 15535	Bedford	238	608.76	Swine	EV	Renewal
Kenton Sweigart 620 Greider Road Mount Joy, PA 17552	Lancaster	566	1,508.35	Dairy/ Swine/ Pullets	NA	R
S&A Kreider & Sons, Inc. 761 Spring Valley Road Quarryville, PA 17566	Lancaster	1,448.7	4,709.05	Dairy	HQ	R
J & L Groff Farms, LLC 2906 Dettinger Rd Brogue, PA 17309	York	72.4	469.11	Poultry	NA	Renewal
Hord Family Farms LLC Franklin Hog Farm 8815 Dry Run Road Mercersburg, PA 17236	Franklin	96	1,588.70	Swine	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 taken under the Pennsylvania Safe
Drinking Water Act.**

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

Permit No. 6718503, Public Water Supply.	
Applicant	Dollar General
Municipality	Chanceford Township
County	York
Responsible Official	Larry L. Miller, Water System Operator 2021 Horseshoe Road Lancaster, PA 17602
Type of Facility	Public Water Supply
Consulting Engineer	Scott M. Rights, P.E. Steckbeck Engineering Associates 279 N Zinns Mill Rd Lebanon, PA 17042

Application Received: 4/13/2018
 Description of Action The following treatment will be installed: a softener for iron removal, nitrate removal, calcite pH adjustment and ultraviolet disinfection.

Permit No. 2818505, Public Water Supply.

Applicant **Borough of Chambersburg**
 Municipality Greene Township
 County **Franklin**
 Responsible Official Lance D. Anderson, Water Superintendent
 100 South Second Street
 Chambersburg, PA 17201

Type of Facility Public Water Supply
 Consulting Engineer Chad M. Angle, P.E.
 CET Engineering Services
 1240 N. Mountain Road
 Harrisburg, PA 17112

Application Received: 5/29/2018
 Description of Action Addition of Clearwell No. 2 at the Chambersburg Water Treatment Plant.

Permit No. 0118502 MA, Minor Amendment, Public Water Supply.

Applicant **Gettysburg Municipal Authority**
 Municipality Gettysburg Borough
 County **Adams**
 Responsible Official Mark Guise, Manager
 601 E Middle Street
 Gettysburg, PA 17325-3307

Type of Facility Public Water Supply
 Consulting Engineer Diana M. Young, P.E.
 Buchart-Horn, Inc.
 445 West Philadelphia Street
 York, PA 17401

Application Received: 6/5/2018
 Description of Action Replacement of the Well No. 2 vertical turbine style pump with a submersible pump.

Permit No. 6718506, Public Water Supply.

Applicant **Wrightsville Borough Municipal Authority**
 Municipality Wrightsville Borough
 County **York**
 Responsible Official Phil Landis, Authority Chairman
 601 Water Street
 PO Box 187
 Wrightsville Borough, PA 17368

Type of Facility Public Water Supply
 Consulting Engineer John A. Klinedinst, P.E.
 C.S. Davidson, Inc.
 38 N. Duke St.
 York, PA 17401

Application Received: 6/6/2018
 Description of Action The river intake pumps will be replaced and relocated to a new concrete vault. The quarry pumps, backwash pumps, and waste pumps will be replaced with pumps of greater capacity.

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

Permit No. 4318503, Public Water Supply.

Applicant **Fredonia Borough Municipal Water Authority**
 Township or Borough Fredonia Borough
 County **Mercer**
 Responsible Official Sheri E. Valimont
 45 Water Street
 P.O. Box 487
 Fredonia, PA 16124-0487

Type of Facility Public Water Supply
 Consulting Engineer Justin Matthew Knapik, P.E.
 R.A.R. Engineering Group, Inc.
 1135 Butler Avenue
 New Castle, PA 16101-4262

Application Received Date May 31, 2018

Description of Action Water system improvements to address Consent Decree requirements including well operational procedures, design flow establishment, well blending requirements for nitrate control, and continuous chlorine analyzation.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act.

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

Application No. 2584504-MA2, Minor Amendment.

Applicant **Camping Association of the Presbyteries**
 Township or Borough Springfield Township
 County **Erie**
 Responsible Official Paul Zorzie
 Type of Facility Public Water Supply
 Consulting Engineer Steven R. Halmi, P.E.
 Deiss & Halmi Engineering
 105 Meadville Street
 Edinboro, PA 16412

Application Received Date May 31, 2018

Description of Action Temporary Permit to operate water system using bulk water from an offsite source.

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.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 07-331C, Water Allocations. **Bellwood Borough Authority (PWS ID No. 4070009), Blair County.** The Authority is requesting a subsidiary water allocation permit for the right to purchase 0.45 million gallons per day (MGD), based on a 30-day average, from the Altoona Water Authority. Applicant Address: 516 Main Street, PO Box 96, Bellwood, PA 16617. Application Received: 5/24/2018.

WA 36-654B, Water Allocations. **Strasburg Borough Authority (PWS ID No. 7360118), Lancaster County.** The applicant is requesting the right to withdraw 112,500 gallons per day (gpd) from springs known as the "Old Springs", 112,500 gpd from springs known as the "New Springs", and 50,000 gpd from springs known as the "Mowrer Springs". All of these sources are existing for the Authority. Applicant Address: Harold Wiker, Borough Authority President, Borough of Strasburg, 145 Percision Lane, Strasburg, PA 17579. Consulting Engineer: Jeffrey W. Sweater, P.E., ELA Group Inc, 743 S. Broad Street, Lititz, PA 17543. Application Received: 8/23/2016.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Persons wishing to comment on a proposed permit are invited to submit statements to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 30-day comment period, the water management regional manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, comments received and other information on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

PABIG4801. Robinson Septic Service, Walker Township, **Centre County.** Robinson Septic Service, 306 Runville Road, Bellefonte, PA 16823 has applied to use their biosolids for beneficial use by land applications.

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 appro-

priate 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.

Michael Hummel Property, 1084 Hillview Drive, **Lehigh County**. RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406, on behalf of Ranson Fuel, 1320 Northwestern Boulevard, Quakertown, PA 18951, has submitted a Notice of Intent to Remediate. Soil was contaminated with heating oil from an aboveground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Lehigh Valley Press* on May 9, 2018.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

H.B. McClure Fuel Oil Release/Hyle Property, 6920 Parkway East, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of H.B. McClure, 600 South 17th Street, P.O. Box 1745, Harrisburg, PA 17105-1745, and Christine Hyle, 6920 Parkway East, Harrisburg, PA 17112, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Standard and remain residential. The Notice of Intent to Remediate was published in the *The Patriot News* on May 24, 2018.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Shurfine Food Market, 441 East 3rd Street, Borough of Emporium, **Cameron County**. Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Olivett Market, Inc., 519 East Allegany Avenue, Emporium, PA 15834, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel. The applicant proposes remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in the *Cameron County Echo* on May 30, 2018.

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. WMGR096-NE004. Bethlehem Earth, LP, 491 Old York Road, Jenkintown, PA 19046. A permit renewal application for continued coverage under General Permit WMGR096 for the beneficial use of regulated fill at the Former Bethlehem Steel Slag Processing Site located in the City of Bethlehem, **Northampton County**. The application was received by the Department on May 22, 2018 and deemed administratively complete by the Regional Office on June 11, 2018.

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.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or 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. WMGR038NE008. EP Tires, LLC, 69 Orange Avenue, Elmwood Park, NJ 07407. A determination of applicability for the processing of waste tires for beneficial reuse at a facility located in West Easton Borough, **Northampton County**. The application for determination of applicability was received by the Regional Office on May 24, 2018 and deemed administratively complete on June 11, 2018.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, 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 review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit,

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

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

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

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

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0072A: Action Supply Company, Inc. (1401 Calcon Hook Road, Sharon Hill, PA 19079) for the installation of a non-metallic mineral processing plant used to prepare a recycled concrete product at their facility in Darby Township, **Delaware County**. The plant comprises a jaw crusher and a screen each with a diesel-fueled IC engine for power supply. Operation will be limited to 3,000 hours, enabling the facility to maintain its synthetic minor status for NO_x. Actual output of the nonmetallic mineral processing plant is a maximum of 150 tons/hour. There will be no increase in emissions above existing permitted levels.

The engines produce 350 hp and 74.9-kW and they conform to the emissions standards for nitrogen oxide and

nonmethane hydrocarbons, carbon monoxide and particulate matter for nonroad engines in 40 CFR 89.112, (Control of Emissions from New and In-Use Nonroad Compression Ignition Engines). They are also subject to Commonwealth regulations on particulate matter and sulfur dioxide. The engines will use only diesel with 15 ppm sulfur content as required by 40 CFR 80.510(b). The crusher and screener are subject to 40 CFR Part 60 Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants and Commonwealth regulations on visible and fugitive emissions. The owner/operator shall keep records of hours of operation, fuel usage and sulfur content to show compliance with the requirements of the Plan Approval.

23-0038G: Delaware County Regional Water Quality Control Authority (DELCOA) (P.O. Box 999, Chester, PA 19016) for revision of the allowable pressure drop range across the Belt Filter Press Room Process Scrubber (BFPRPS) at the Western Regional Treatment Plant located in the City of Chester, **Delaware County**. DELCOA is a Title V facility. The allowable pressure drop range for the BFPRPS is being revised from 6.0 to 9.5 inches (water gauge) to 3.5 to 7.2 inches (water gauge). The lower operating pressure drop range required for the scrubber is attributed to a partial replacement of the scrubber's packing. The scrubber will otherwise continue to be operated as required by the conditions in the facility's Operating Permit 23-00038. No increases in emissions are authorized with this Plan Approval.

The BFPRPS is subject to only Commonwealth regulations, including 25 Pa. Code § 123.31, pertaining to odor limitations.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00021: Congoleum Corp. (4401 Ridge Rd, Trainer, PA 19061) located in Trainer Borough, **Delaware County** for a renewal of their Title V operating permit. The Title V operating permit was most recently issued on July 19, 2013 and no changes have taken place at the facility since then. The facility's major emission points are boilers, rotogravure printing presses/coaters and a thermal oxidizer, which emit major levels of volatile organic compounds (VOCs) and NO_x. All new and updated regulatory changes have been addressed in this renewal. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

15-00027: Johnson Matthey Inc.—Wayne Facility (456 Devon Park Dr., Wayne, PA 19087) for a renewal of their Title V Operating Permit in Tredyffrin Township, **Chester County**. The facility manufactures inserts for automotive and industrial catalytic converters. As a result of potential emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC), the facility is a major stationary source (Title V) as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air

emissions from the facility. The facility is subject to 25 Pa. Code § 129.52d, and this has been addressed in the renewal permit. The renewal permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05009: J. L. Clark, LLC (303 N. Plum Street, Lancaster, PA 17602) to modify a Title V Operating Permit for the metal can manufacturing facility located in Lancaster City, **Lancaster County**. The Title V Operating permit is undergoing a significant modification to incorporate emission restrictions and recordkeeping requirements to comply with the presumptive RACT requirements of 25 Pa. Code § 129.97 and RACT recordkeeping requirements of 25 Pa. Code § 129.100. 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.

06-05002: Lehigh Cement Company, LLC (537 Evansville Road, Fleetwood, PA 19522-8541) for Lehigh's Evansville Cement Plant and Quarry located in Maiden Creek Township, **Berks County**. The Title V Operating Permit is undergoing a significant modification to incorporate an alternative data substitution methodology as an approved method for demonstrating compliance with portions of the facility's CO, NO_x & SO_x Plantwide Applicability Limit (PAL) requirements. Furthermore, based on the data substitution methodology, the modification revises the CO, NO_x & SO_x PAL limits. 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.

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

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

49-00007: Cherokee Pharmaceuticals, LLC (100 Avenue C, Riverside, PA 17868) a Title V operating permit renewal for the Riverside Borough Plant located in Riverside Borough, **Northumberland County**. In accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 105.43 TPY of CO; 131.13 TPY of NO_x; 1.61 TPY of SO_x; 55.06 TPY of PM/PM₁₀; 61.84 TPY of VOCs; 82.10 TPY of total HAPs; and 208,467 TPY of CO_{2e}. The facility's sources include two natural gas/# 2 fuel oil-fired boilers, an onsite wastewater treatment plant and sludge drying system, numerous pharmaceutical production equipment, various storage tanks for chemicals, fuel and glycol coolant and associated loading operations, drum handling areas, onsite laboratories, and various emergency generator engines, all of which have the potential to emit carbon monoxide (CO), nitrogen oxide (NO_x), volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions above the major emission thresholds. The emission limits and work practice standards along with

testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.

25-00035: Molded Fiber Glass Companies, Union City (55 Fourth Avenue, Union City, PA 16438-1247). In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the reinforced plastic manufacturing facility, located in Union City borough, **Erie County**. The facility's primary emission sources include: two (2) boilers, air make-up heaters, the gelcoat operation, mechanical and manual non-atomized resin application, closed molding operations, a curing oven, trimming and sanding operations, primer spray operations, a drying oven, the assembly/bonding process, two (2) reaction injection molding presses, and five (5) resin storage tanks. The potential emissions, after permit limitations, of the major pollutants from the facility are as follows: 7.78 TPY (tons per year) NO_x, 2.48 TPY CO, 75.00 TPY VOC, 58.93 TPY Styrene, 9.68 TPY PM₁₀ and PM_{2.5}, and 0.52 TPY SO_x; thus, the facility is subject to Title V requirements for potential emissions of a single hazardous air pollutant (HAP) in excess of ten (10) TPY (Styrene), as well as potential VOC emissions exceeding 50 TPY for a facility located within the Northeast Ozone Transport Region. The boilers are subject to 40 CFR 63 Subpart DDDDD, the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The facility is subject to 40 CFR 63 Subpart WWWW NESHAP for Reinforced Plastic Composites Production, as well as 40 CFR 63 Subpart PPPP NESHAP for Surface Coating of Plastic Parts and Products. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00195: Harold Beck and Sons, Inc., (11 Terry Drive, Newtown, PA 18940) for operation of two paint booths and degreasing units at their plant, located in Newtown Township, **Bucks County**. The facility is subject to 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and

pleasure craft surface coatings. This action is a renewal for the State-only Operating Permit (Natural Minor). The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

48-00096: Custom Laminating Corporation (5000 River Road, Mt. Bethel, PA 19343-5610). The Department intends to issue a renewal State-Only (Natural Minor) Permit for this laminated plastics plate, sheet (except packaging), and shape manufacturing facility located in Mount Bethel, **Northampton**. The main sources at this facility consists of surface treaters laminating lines, mixing process, and emergency generators. The control devices for the sources are baghouses. The sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

35-00016: Sandvik Materials Technology (982 Grifin Pond Road, Clarks Summit, PA 18411). The Department intends to issue a renewal State-Only Natural Minor Permit for Sandvik Materials Technology located in Scott Township, **Lackawanna County**. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed 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 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

22-03036: Alfa Laval, Inc. (300 Chestnut Street, Lykens, PA 17048) for the fabricated metal products plant in Lykens Borough, **Dauphin County**. This is for a renewal of the existing State-only operating permit. Annual emissions from the facility are estimated at 13.9 tpy of particulate matter. 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 permit includes conditions from 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication an Finishing Source Categories, and 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

06-03151: Luicana Industries Inc. (20 N. Front Street, Bally, PA 19503) to issue a State Only Operating Permit for the cast polymer manufacturing facility located in Bally Borough, **Berks County**. The potential emissions from the facility are estimated at 17.5 tpy of VOC and 8.6 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 25 Pa. Code § 129.63 for degreasing operations.

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

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

08-00047: Milan Energy, LLC (N. Shore Place I, 358 N. Shore Dr., Ste. 201, Pittsburgh, PA 15212) to issue a State Only Operating Permit for the Milan Energy electric power generating facility located in Smithfield Township, **Bradford County**. The facility is currently operating under Plan Approval 08-00047B. The facility's main sources include three 9,708 bhp Rolls Royce Bergen 35:40-V16AG-2, lean burn, natural gas-fired, engine/generator sets, each equipped with an SCR/catox system, and miscellaneous storage tanks, combustion sources and fugitive emissions. The facility has potential emissions of 32.21 TPY of CO; 16.49 TPY of NO_x; 0.39 TPY of SO_x; 14.02 TPY of PM/PM₁₀; 10.68 TPY of VOCs; 5.14 TPY HAPs; 91,142 TPY GHGs. The three Rolls Royce Bergen engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. 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, as well as 40 CFR Parts 60 and 63. 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.

08-00049: Alpaca Energy, LLC (N. Shore Place I, 358 N. Shore Dr., Ste. 201, Pittsburgh, PA 15212) to issue a State Only Operating Permit for the Alpaca Energy electric power generating facility located in Canton Township, **Bradford County**. The facility is currently operating under Plan Approval 08-00049B. The facility's main sources include three 9,708 bhp Rolls Royce Bergen 35:40-V16AG-2, lean burn, natural gas-fired, engine/generator sets, each equipped with an SCR/catox system, and miscellaneous storage tanks, combustion sources and fugitive emissions. The facility has potential emissions of 32.21 TPY of CO; 16.49 TPY of NO_x; 0.39 TPY of SO_x; 14.02 TPY of PM/PM₁₀; 10.68 TPY of VOCs; 5.14 TPY HAPs; 91,142 TPY GHGs. The three Rolls Royce Bergen engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. 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 de-

rived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60 and 63. 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.

14-00040: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301-2843) for their Centre Compressor Station located in Spring Township, **Centre 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 a renewal of an Air Quality Operating Permit for the abovementioned facility. The facilities main sources included two (2) natural gas-fired turbine engines and one (1) natural gas-fired emergency generator. The subject facility has the following potential emissions: 10.02 TPY of CO; 45.91 TPY of NO_x; 0.93 TPY of SO_x; 18.15 TPY of PM/PM₁₀; 25.37 TPY of VOC; 7.73 TPY of HAP and 63,649 TPY of CO_{2e}. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Both turbine compressor engines (Source IDs P102 and P103) are subject to 40 CFR Part 60, Subpart KKKK—Standards of Performance for New Stationary Source—Stationary Combustion Turbines. 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, as well as 40 CFR Parts 60 and 63. 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.

59-00006: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) for their Boom Compressor Station located in Lawrence Township, **Tioga 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 a renewal of an Air Quality Operating Permit for the abovementioned facility. The facilities main sources include two (2) natural gas-fired compressor engines, one (1) natural gas-fired emergency generator and several small combustion units. The subject facility has the following potential emissions: 12.04 TPY of CO; 91.78 TPY of NO_x; 0.08 TPY of SO_x; 1.27 TPY of PM/PM₁₀; 20.22 TPY of VOC; 7.41 TPY of total HAPs and 16,841 TPY of CO_{2e}. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580—63.6675. 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, as well as 40 CFR Part 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.

10-00139: Rosini Carbons Company Incorporated Boyers Division. (453 Venn Access Road, Coal Township, PA 17866-6901) the Department intends to issue a renewal of the Natural Minor Operating Permit to operate a facility that processes coke breeze for use in brake manufacturing and metallurgical purposes in Cherry Township, **Butler County**. The facility's primary emission sources include coke screening/shaking controlled by baghouses and three space heating furnaces. Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements to assure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

32061303 and NPDES No. PA0235725. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Heilwood Mine in Pine, Cherryhill and Green Townships, **Indiana County** and related NPDES Permit to extend the Brookville Subsidence Control Plan Acres to the Existing Extents of the Lower Kittanning Subsidence Control Plan Area. Subsidence Control Plan Acres Proposed 4,187.0. No additional discharges. The application was considered administratively complete on April 17, 2018. Application received: November 21, 2017.

56773708. Miller Springs Remediation Management, Inc., (5 Greenway Plaza, Suite 110, Houston, TX 77046). To revise the permit for the Strayer Coal Refuse Disposal Area in Conemaugh and Stonycreek Townships, **Somerset County** for one additional borehole to pump water from Bird Mine No. 2 and two discharge lines to Bird Mine Treatment Facility. Coal Refuse Disposal Support Acres Proposed 1.7. No discharges. The application was considered administratively complete on April 17, 2018. Application received: January 31, 2018.

65131301 and NPDES No. PA0236241. LCT Energy, LP, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). To revise the permit for the Rustic Ridge # 1 in Donegal Township, **Westmoreland County**, Saltlick Township, **Fayette County** and related NPDES Permit. Include revisions resulting from a private settlement agreement between LCT Energy, LP and Mountain Watershed Association. The revisions address a pit expansion, revised permit and subsidence control plan area, mine water pumping rate, relocation of Outfall 003 and updated groundwater inventory. Underground Acres Proposed -41.6, Subsidence Control Plan Acres Proposed -41.6. No additional discharges. The application was considered administratively complete on April 17, 2018. Application received: March 14, 2018.

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

Permit No. 56763114 and NPDES No. PA0608238, Svonavec Inc., 2555 New Centerville Road, Rockwood, PA 15557, commencement, operation and restoration of a bituminous surface mine to change the land use from cropland and forest land to light industrial in Milford Township, **Somerset County**, affecting 96.8 acres. Receiving streams: unnamed tributaries to and South Glade Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 1, 2018.

Permit No. 56120201 and NPDES No. PA0268933. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface mine in Conemaugh Township, **Somerset County**, affecting 145.2 acres. Receiving streams: unnamed tributaries to and Kaufman Run and Stonycreek River classified for the following uses: cold water fishes, warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2018.

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

03120103 and NPDES Permit No. PA0252271. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Renewal application for reclamation only to an existing bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 108.3 acres. Receiving streams: Unnamed tributaries to Patterson Creek and Buffalo Creek, classified for the following use: HQ-TSF. Creekside Mushroom Farm and Creekside Resthome water supply intakes are within 10 miles downstream from the point of discharge. Renewal application received: June 1, 2018.

63080102 and NPDES Permit No. PA0251429. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Revision application for land use change from Forestland to Pastureland or Land Occasionally Cut for Hay to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 187.8 acres. Receiving streams: Unnamed tributaries to Center Branch Pigeon Creek, classified for the following use: WWF. Eighty Four Mining Co. No. 60 Reservoir, Ellsworth Borough Water Department and Somerset Water Company are water supply intakes within 10 miles downstream from the point of discharge. Application received: June 4, 2018.

GP12-63120105. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Application for authorization under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-63120105 to operate a portable coal crusher for an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 50.2 acres. Receiving streams: North Branch Pigeon Creek and Monongahela River classified for the following use: WWF. Charleroi is the potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 4, 2018.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 54-305-043GP12. Reading Anthracite Company, (P.O. Box 1200, Pottsville, PA 17901), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54793206 in Mahanoy Township, **Schuylkill County**. Application received: May 4, 2018.

Noncoal Applications Received

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

Parameter	Table 2 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. 44030301 and NPDES PA0269247, Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, renewal of NPDES Permit, Armagh Township, **Mifflin County**. Receiving stream: Honey Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 6, 2018.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

3074SM13. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0107433 in Slippery Rock and Worth Townships, Slippery Rock Borough, **Butler County**. Receiving streams: Unnamed tributary No. 2 to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 25, 2018.

16030302. IA Construction Corp. (24 Gibb Road, P.O. Box 568, Franklin, PA 16323). Renewal of NPDES Permit No. PA0242365 in Licking and Richland Townships, **Clarion County**. Receiving streams: Two unnamed tributaries to Turkey Run, classified for HQ-CWF; and two unnamed tributaries to the Clarion River, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 30, 2018.

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

NPDES No. PA0269832. James W. Confer (153 Confer Lane, Spring Mills, PA 16875). New NPDES permit associated with an existing small industrial mineral surface mining permit 14950801 located in Potter Township, **Centre County** affecting 3.0 acres. Receiving streams: UNT to Muddy Run classified for the following uses: HQ-CWF, MF. Application received: May 23, 2018.

53170301 and NPDES No. PA0269841. Duffy, Inc. (P.O. Box 374, 1 Delta Drive, Smethport, PA 16749). Commencement, operation and restoration of shale and sandstone quarry located in Roulette Township, **Potter County** affecting 175.0 acres. Receiving stream(s): Fishing Creek and Unnamed Tributary to Allegheny River classified for following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 21, 2018.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 64182502 and NPDES Permit No. PA0225860. Sanford Stone, LLC, (P.O. Box 95, Deposit, NY 13754), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Starrucca Borough, **Wayne County** affecting 5.0 acres, receiving stream: Merrigan Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: May 29, 2018.

Noncoal Applications Withdrawn

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

03920301 and NPDES Permit No. PA0097250. Continental Clay Company (260 Oak Avenue, Kittanning, PA 16201). Permit withdrawn for commencement, operation and restoration of a large noncoal surface mine, located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: Unnamed tributaries to Allegheny River. Application received: April 14, 2016. Permit withdrawn: June 5, 2018.

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. PA0235628 (Mining Permit No. 17041301), Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642). A renewal to the NPDES and mining activity permit for the Penfield Mine in Huston Township, **Clearfield County**. Receiving stream: Wilson Run, classified for the following use: CWF. Bennett Branch TMDL. The application was considered administratively complete on July 2, 2015. Application received: March 13, 2015.

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

Outfall 001 discharges to: Unnamed Tributary to Wilson Run

The proposed effluent limits for *Outfall 001* (Lat: 41° 13' 59" Long: 78° 36' 31") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Total Suspended Solids	(mg/l)	-	35	70	90
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75

Outfall 002 discharges to: Unnamed Tributary to Wilson Run

The proposed effluent limits for *Outfall 002* (Lat: 41° 13' 54" Long: 78° 36' 34") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
pH	(s.u.)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Total Dissolved Solids	(mg/l)	-	-	-	Report
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	-
Iron, Total	(mg/l)	-	1.50	3.0	3.8
Aluminum, Total	(mg/l)	-	0.75	0.75	0.75
Manganese, Total	(mg/l)	-	1.0	2.0	2.5
Sulfate	(mg/l)	-	-	-	Report

Outfall 003 discharges to: Unnamed Tributary to Wilson Run

The proposed effluent limits for *Outfall 003* (Lat: 41° 14' 09" Long: 78° 36' 38") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
pH	(s.u.)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Total Dissolved Solids	(mg/l)	-	-	-	Report
Osmotic Pressure	(mOs/kg)	-	50	100	100
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	-
Iron, Total	(mg/l)	-	1.50	3.0	3.8
Aluminum, Total	(mg/l)	-	0.75	0.75	0.75
Manganese, Total	(mg/l)	-	1.0	2.0	2.5
Sulfate	(mg/l)	-	-	-	Report

EPA Waiver not in effect.

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

NPDES No. PA0262544 (Mining Permit No. 05070101), J&J Svonavec Excavating, Inc., 618 Samuels Road, Somerset, PA 15501, revision of an NPDES permit for addition of an NPDES facility for passive treatment of a post-mining discharge in Broad Top Township, **Bedford County**, affecting 115.5 acres. Receiving streams: East Fork Brewster Hollow Run and unnamed tributary to/and North Fork Brewster Hollow Run, classified for the following use: Warm Water Fishes. This receiving stream is included in the Sixmile Run TMDL. Application received: May 25, 2018.

The following outfalls discharge to an unnamed tributary to/and North Fork Brewster Hollow Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond 1)	N
002 (Sediment Pond 2)	N
003 (Sediment Pond 3)	N
004 (Treatment Facility 1)	N

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

<i>Outfalls: 001, 002, & 003 (All Weather Conditions)</i> <i>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)	2.1	4.2	5.2
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.

<i>Outfalls: 004 (All Weather Conditions)</i> <i>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)	35.0	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.

The following outfall discharges to East Fork Brewster Hollow Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007 (R-32 Passive Treatment System Outfall)	Y

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

<i>Outfalls: 007 (All Weather Conditions)</i> <i>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)	1.6	3.2	4.0
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.

Noncoal NPDES Draft Permits

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

NPDES No. PA0594407 (Mining Permit No. 01740601), New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for noncoal surface mine in Cumberland Township, **Adams County**, affecting 121 acres. Receiving stream: Rock Creek, classified for the following use: Warm water fishes. Application received: May 17, 2018.

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

The following outfalls discharge to Rock Creek:

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

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

<i>Outfalls: 001 and 002</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

<i>Outfalls: 002 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (m/l)	N/A	N/A	0.5

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

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knoxville, PA 16232-0669, 814-797-1191.

NPDES No. PA0280585 (Permit No. 10180801). SMX Resources, LLC (102 Dogwood Court, Butler, PA 16001) New NPDES permit for a small industrial minerals surface mine in Clay Township, **Butler County**, affecting 8.0 acres. Receiving streams: unnamed tributary to Muddy Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: April 23, 2018.

There will be no discharge from this permit.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

NPDES Permit No. PA0225851 on Surface Mining Permit No. 64182501. Robert A. Coleman, (P.O. Box 3, Susquehanna, PA 18847), new NPDES Permit for a GP105 bluestone quarry operation in Scott Township, **Wayne County**, affecting 12.0 acres. Receiving stream: unnamed tributary to Balls Creek to East Branch Delaware River/Delaware River Watershed, classified for the following uses: HQ—cold water and migratory fishes. Application received: May 11, 2018.

Non-discharge BMP's shall be in effect.

NPDES Permit No. PA0595764 on Surface Mining Permit No. 5278SM2. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a sandstone quarry operation in Lake Township, **Wayne County**, affecting 107.8 acres. Receiving stream: unnamed tributary to Middle Creek, classified for the following use: HQ—cold water fishes. Application received: January 25, 2018.

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

The following outfall(s) discharge to unnamed tributary to Middle Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S/Stormwater

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>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Turbidity NUT (HQ & EV Only, E&S/Stormwater)		40.0	80.0	100.0
Oil & Grease (mg/l)		Monitor and Report		

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. 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.

E40-805 Frank M. Henry Associated, 1575 Wyoming Avenue, Forty Fort, PA 18704, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 352 sq. ft. pile-supported boathouse expansion and a 45 sq. ft. jet ski slip within the basin of Harveys Lake (HQ-CWF). The project is located at Pole 34 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41°21'43.84"; Longitude: -76°2'8.95") in Harveys Lake Borough, Luzerne County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E05-395: Bedford Township Municipal Authority, 1007 Shed Road, PO Box 371, Bedford Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to remove 1) the existing pump station and appurtenances and 2) relocate, replace, construct and maintain a new pump station with appurtenances, 60 linear feet of 8-inch PVC and 115 linear feet of 12-inch PVC gravity sewer line and gravel driveway within the 100-year floodplain of the Raystown Branch of the Juniata River (TSF, MF). The placement of fill for the pump station wet well will be above the 100-year floodplain elevation. The project purpose is to upgrade the pump control system, increase service to the public, handle a higher volume of flow, and eliminate frequent flooding issues. The limit of disturbance for construction is approximately 0.15 acre. No wetlands are located onsite. The Old Bedford Village pup station project is located along Sawblade Road, Bedford Township, Bedford County (Latitude: 40.040791, Longitude: -78.506860).

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

E02-1785, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Elizabeth Township, **Allegheny County**, Pittsburgh ACOE.

The applicant is proposing to:

1. Remove the existing 61' long 36" diameter CMP/RCP culvert carrying SR 2025 over an unnamed tributary to the Youghiogheny River (WWF) having a drainage area of 0.13 square mile; construct and maintain a 68' long 48" diameter replacement RCP culvert on an altered alignment. In addition, place and maintain fill in 174' of this same UNT to the Youghiogheny River and construct and maintain a 168' long relocated replacement channel.

2. Remove the existing 89' long, 50.5 SF opening, arch and CMP culvert carrying SR 48 over a second UNT to the Youghiogheny River (WWF) having a drainage area of 0.21 square mile; construct and maintain a replacement 76' long, 10' wide, 7.5' underclearance box culvert on existing alignment.

3. Remove the existing 31' long 18" concrete pipe carrying SR 48 over a third UNT to the Youghiogheny River (WWF) having a drainage area of less than 100 acres; construct and maintain a replacement 55' long 18" diameter concrete pipe on an adjacent alignment.

4. In addition, place and maintain fill in a de minimis 0.049 acre of PEM wetlands, construct and maintain associated stormwater facilities, and temporarily impact 528' of stream for the purpose of constructing these encroachments.

Impacts will be mitigated on site. The project is located at the intersection of SR 2025 (Pierce Road) and SR 48, approximately 0.5 mile from the intersection of SR 48 and Lovedale Road in Elizabeth Township, Allegheny County (McKeesport, PA Quadrangle; Latitude: 40° 17' 24"; Longitude: -79° 50' 09").

E63-718, PennDOT District 12-0, 825 N. Gallatin Avenue Ext., Uniontown, PA 15401, California Borough, **Washington County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove the existing 14' wide bridge with a minimum underclearance of 6.27' carrying SR 2030 over Gorby Run (TSF) having a drainage area of 1.01 square mile; construct and maintain a 52.8' wide replacement bridge with a minimum underclearance of 5.45' in the same location. In addition, construct and maintain roadway associated stormwater facilities and temporarily impact 502' of Gorby Run for the purpose of constructing these encroachments. Stream mitigation will occur onsite. This project is located approximately 2 miles northwest of California, PA near the intersection of SR 2030 (California Drive) and North California Drive in California Borough, Washington County (California, PA Quadrangle; Latitude: 40° 5' 6.5797"; Longitude: -79° 55' 27.5977").

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

Revision: E5929-071: Seneca Resources Corporation, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Delmar Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 8 inch diameter freshwater pipelines via horizontal directional bore impacting 90 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 286 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Asaph, PA Quadrangle 41°47'45"N, 77°19'32"W);

2) Two 8 inch diameter freshwater pipelines via horizontal directional bore impacting 32 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°47'49"N, 77°19'34"W);

3) A temporary access road using timber mats and Two 8 inch diameter freshwater pipelines impacting 30 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°47'52"N, 77°19'32"W);

The project will result in 62 linear feet of temporary stream impacts and 376 square feet (0.01 acre) of temporary wetland impacts all for the purpose of installing a fresh water pipeline for Utica well development in Delmar Township, Tioga County. These impacts are in addition to the impacts authorized under DEP Permit Number E5929-071, final action published in the *Pennsylvania Bulletin* on January 27, 2018.

ENVIRONMENTAL ASSESSMENTS

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

EA16-50, Clarion County Conservation District, 214 South 7th St., Rm 106A, Clarion, PA 16214. West Branch Jones Run Limestone Sanding, in Millcreek Township, **Clarion County**, ACOE Pittsburgh District (Stratantville, PA Quadrangle N: 41°, 12', 20.52"; W: -79°, 17', 16.7994").

The applicant proposes to dump high grade limestone fines in and along the stream bank of West Branch Jones Run which is impaired by acid mine drainage.

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—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAR230092 A-2 (Industrial)	IVC, LLC 500 Halls Mill Road Freehold, NJ 07728	Philadelphia County City of Philadelphia	Walton Run 3-J	Y

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0051811 (Industrial)	LCA Green Hills Central Water System P.O. Box 3348 Allentown, PA 18106-0348	Lehigh County South Whitehall Township	Little Cedar Creek (2-C)	Yes
PAS202209 (Storm Water)	Apollo Metals, LTD 1001 14th Avenue Bethlehem, PA 18018-2207	Lehigh County Bethlehem City	Unnamed Tributary to Monocacy Creek (2-C)	Yes

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

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. PA0254533, Storm Water, SIC Code 4151, **Petermann Northeast, LLC**, 2601 Navistar Drive, Lisle, IL 60532-3661.

This proposed facility is located in Center Township, **Greene County**.

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

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

NPDES Permit No. PA0265594, Sewage, SIC Code 8800, **Allen Hawthorne**, 1711 Kuntz Road, Erie, PA 16509.

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

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

NPDES Permit No. PA0265675, Sewage, SIC Code 8800, **David T Parish**, 643 College Grove Road, New Castle, PA 16105.

This proposed facility is located in Slippery Rock Township, **Lawrence County**.

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

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 1596201, Industrial, Renewal, **Deluxe Corp.**, 3680 Victoria Street N., Shoreview, MN 55126-2966.

This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Permit Renewal.

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

WQM Permit No. 6218403, Sewage, **Randall W Spence**, 1136 Bugtown Road, Titusville, PA 16354.

This proposed facility is located in Southwest Township, **Warren County**.

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

WQM Permit No. 2517416, Sewage, **Allen Hawthorne**, 1711 Kuntz Road, Erie, PA 16509.

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

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

WQM Permit No. 3718401, Sewage, **David T Parish**, 643 College Grove Road, New Castle, PA 16105.

This proposed facility is located in Slippery Rock Township, **Lawrence County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI133521	Antis Township Blair County 909 N Second Street Bellwood, PA 16617	Antis Township, Blair	Unnamed Tributary to Sandy Run, Riggles Gap Run, Little Juniata River, Unnamed Tributary to Little Juniata River, Bells Gap Run, and Sandy Run/TSF, WWF, CWF, and MF	Y	Y

V. NPDES Waiver Stormwater Discharges from MS4 Actions.

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

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

NPDES

<i>Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG132283	East Penn Township 167 Municipal Road Lehighton, PA 18235	East Penn Township, Carbon	Lehigh River/TSF and MF

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150080	Coatesville Solar Initiative, LLC 633 Jeffers Circle Exton, PA 19341	Chester	Caln Township	Unnamed Tributary to West Branch of Brandywine Creek WWF-MF
PAD150088	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341-1159	Chester	Uwchlan Township	Unnamed Tributary to Pickering Creek HQ-TSF-MF
PAD150079	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341-1159	Chester	Upper Uwchlan Township	Unnamed Tributary to Marsh Creek HQ-TSF-MF
PAD510021	Philadelphia Phillies One Citizens Bank Park Way Philadelphia, PA 19148	Philadelphia	City of Philadelphia	Delaware River WWF-MF

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.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450044	Brodhead Creek Regional Authority 410 Mill Creek Rd East Stroudsburg, PA 18301	Monroe	Pocono Twp Paradise Twp	Swiftwater Creek (HQ-CWF, MF)

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480061	Estates at Sullivan Trail, LLC 4562 Steuben Rd Bethlehem, PA 18020	Northampton	Plainfield Twp Bushkill Twp	Bushkill Creek (HQ-CWF, MF)
PAD480058	Galen Martin 721 E Lincoln Ave Myerstown, PA 17067	Northampton	Williams Twp	Tributary 3330 to Frya Run (HQ-CWF, MF) Wetlands
PAD480034	Kay Scenic View, LLC 5930 Hamilton Blvd Ste 10 Allentown, PA 18106	Northampton	Bushkill Twp Nazareth Twp	Bushkill Creek (HQ-CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180011	Nicholas Meats LLC 508 East Valley Road P.O. Box 95 Loganton, PA 17747	Clinton	Greene Twp	Fishing Creek HQ-CWF, MF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD110004	Borough of Westmont 1000 Luzerne Street Johnstown, PA 15905	Cambria County	Borough of Westmont	Mill Creek (HQ-CWF); Cheney Run (WWF); St. Clair Run (CWF); Elk Run (CWF); Stony Creek (WWF); Little Conemaugh River (WWF)

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD060011 Issued	PA Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Berks	Maxatawny & Greenwich Townships	Maiden Creek & UNT Maiden Creek (TSF, MF) Mill Creek & UNT Mill Creek (TSF, MF) Schuylkill River (WWF, MF) Wetlands (EV)
PAD210021 Issued	PANCAL 954 Centerville (Unit B), LLC 1101 30th Street NW Washington, DC 20007	Cumberland	Penn Township	UNT Yellow Breeches Creek (HQ-CWF, MF)

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

Crawford County Conservation District, 21742 German Road, Meadville, PA 16335, 814-763-5269.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD200004	Conneaut Lake DPP LLC 9010 Overlook Boulevard Brentwood, TN 37027	Crawford	Summit Township	UNT Conneaut Lake HQ-WWF Inlet Run Conneaut Lake HQ-WWF

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

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Hamiltonban Township Adams County Issued	PAC010028	Hamiltonban Township Robert Gordon, Chairman P.O. Box 526 Fairfield, PA 17320	UNT Middle Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
City of Altoona Blair County Issued	PAC070032	Silk Mills Properties, Inc. John Radionoff 5506 6th Ave., Rear Altoona, PA 16602	Mill Run (WWF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
Susquehanna Township Dauphin County Issued	PAC220101 (Phase)	The McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	UNT Paxton Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
City of Harrisburg Dauphin County Issued	PAC220095	Ryan Companies US, Inc. 533 South 3rd Street Minneapolis, MN 55415	Paxton Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220088	Central PA Equities— 29, LLC 146 Pinegrove Circle Suite 200 York, PA 17403	Spring Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
West Hanover Township Dauphin County Issued	PAC220097	Eastern Communities, LTD 7300 Derry Street Harrisburg, PA 17111	Beaver Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
South Hanover Township Dauphin County Issued	PAC220098	MidAtlantic Interstate Transmission, LLC 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612-6001	UNT Beaver Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
West Hanover Township Dauphin County Issued	PAC220099	Central Dauphin School District 600 Rutherford Road Harrisburg, PA 17109	UNT Manada Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Manheim Township Lancaster County Issued	PAC360199	Jon Warner Homes Inc. 2496 Shaub Road Lancaster, PA 17601	Little Conestoga Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Warwick Township Lancaster County Issued	PAC360242	Casey Graffius 406 North Elm Street Lititz, PA 17543	UNT Hammer Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Pequea Township Lancaster County Issued	PAC360228 Major Mod	David Hess 549 Second Lock Road Lancaster, PA 17603	UNT Conestoga Creek (WWF, TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Clay Township Lancaster County Issued	PAC360251	Lincoln Land Group Inc. 1737 West Main Street Ephrata, PA 17522	Middle Creek & Indian Run (WWF, TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Cocalico Township Lancaster County Issued	PAC360258	Hurst Brothers Development Company 154 E. Farmersville Road Ephrata, PA 17522	Cocalico Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Paradise Township Lancaster County Issued	PAC360233	Elmer King 1579 Mine Road Paradise, PA 17562	Londonland Run & Houston Run (CWF, 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	PAC360197	Matt Witmer 1821 South 19th Street Harrisburg, PA 17104	UNT Little Conestoga Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Manheim Township Lancaster County Issued	PAC360249	Tom Koch 450 Candlewyck Road Lancaster, PA 17601	Landis Run (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	PAC360224	Elizabethtown U-Gro LP 751 Fredrick Street Hanover, PA 17331	Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
South Londonderry Township Lebanon County Issued	PAC380071	James E & Elizabeth W. Mark 568A East Baltimore Pike Avondale, PA 17311	Killinger Creek (TSF, MF) Spring Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
East Hanover Township Lebanon County Issued	PAC380060	Michael Long 39 Reeds Creek Road Annville, PA 17003	UNT Swatara Creek (WWF) UNT Reeds Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Union Township Lebanon County Issued	PAC380069	Lane Marshall Building T-0-1 FTIG Annville, PA 17003	Qureg Run (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Windsor Township York County Issued	PAC670112	Gemcraft Homes Forest Hill, LLC Brian Fromme 2205 Commerce Road Forest Hill, MD 21050	Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Manheim Township York County Issued	PAC670158	Lee T. & Patricia J. Bowsbey 3535 Yellow Bank Road Dunkirk, MD 20754	Long Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Springettsbury Township York County Issued	PAC670153	Harley Davidson Motor Company Operations, Inc. Christopher Yurista, Sr. 1425 Eden Road York, PA 17402	Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Springettsbury Township York County Issued	PAC670127	Timothy F. Pasch 2645 Carnegie Road York, PA 17402	Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
West Manchester Township York County Issued	PAC670091	BAE Systems John Tile 1100 Bairs Road York, PA 17408	S/B Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
York Township York County Issued	PAC670161	OSS Realty Company/OSS Health Mike Enriquez 1855 Powder Mill Road York, PA 17402	Mill Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Conewago Township York County Issued	PAC670132	DP PA 3 York, LLC James V. Mascaro 1776 on the Green 67 East Park Place Suite 540 Chatham, NJ 07960	Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Manchester Township York County Issued	PAC670107	Tri Corner Wheatfield, LP Jonathan Juffe 2534 North 3rd Street Harrisburg, PA 17110	Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Abington Township Montgomery County	PAC460240	Abington Friends School 575 Washington Lane Jenkintown, PA 19046	Tacony Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460199	Horsham Township 1025 Horsham Road Horsham, PA 19044	Park Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Merion Township Montgomery County	PAC460212	King of Prussia Business Improvement District KOP 234 Mall Blvd Suite 150 King of Prussia, PA 19406	Trout Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAC460182	School District of Springfield Township 1901 East Paper Mill Road Orland, PA 19075	Erdenheim Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460162	Craft Custom Homes LLC 231 Redwood Road King of Prussia, PA 19406	Frog Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAC460220	Brandywine Realty Trust 555 East Lancaster Ave Suite 100 Radnor, PA 19086	Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460214	Ferro Corporation 416 East Church Road King of Prussia, PA 19406	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAC090164	Warwick Township 1733 Township Greene Jamison, PA 18929-1621	Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAC090097	Buckingham Township 4613 Hughesian Drive Buckingham, PA 18912	Unnamed Tributary Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Nockamixon Township Bucks County	PAC090142	Harrow Station 265 Frogtown Road Kintnersville, PA 18930	Unnamed Tributary Haycock Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAC090159	Raymond J. Flynn 2084 Lincolnshire Road Furlong, PA 18925	Watson Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAC230068	The Children's Hospital of Philadelphia 34th Street and Civic Center Boulevard Main Building Suite A-260 Philadelphia, PA 19104	West Branch of Chester Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Aston Township Chester Township Delaware County	PAC230064	Penn Delco School District 3000 Dutton Mill Road Aston, PA 19014	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester Township Delaware County	PAC230066	DANBRO LP 3700 South 26th Street Philadelphia, PA 19145	Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Dunmore Borough Lackawanna County	PAC350038	Borough of Dunmore 400 Blakely St Dunmore, PA 18512	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-382-3086

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Butler Twp
Schuylkill County

PAC540032

Wal-Mart Store East, LP
Mark S Goldsmith
Mail Stop 5570
2001 SE 10th St
Bentonville, AR
72716-5570Rattling Run (CWF,
MF)Schuylkill County
Conservation District
570-622-3742*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.**Facility Location &
Municipality**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*College Twp,
Centre Cnty

PAC140038

Centre Care Inc
502 E. Howard Street
Bellefonte, PA 16823UNT Spring Creek
CWFCentre County
Conservation District
414 Holmes Ave
Ste 4
Bellefonte, PA 16823
(814) 355-6817Briar Creek Twp,
Columbia Cnty

PAC190007

Marr Development—
Martzville LLC
823 Central Road
Bloomsburg, PA 17815UNT East Branch
Briar CreekColumbia County
Conservation District
702 Sawmill Rd
Ste 204
Bloomsburg, PA 17815
(570) 784-1310 X 102*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,
Waterways and Wetlands Program Manager, 412-442-4000.**Facility Location
and Municipality**Permit No.**Applicant Name and
Address**Receiving
Water / Use**Contact Office and
Phone No.*

Baden Borough

PAC040041

Sisters of Saint Joseph of
Baden, PA, Inc.
1020 West State Street
Baden, PA 15005

Ohio River (WWF)

Beaver County
Conservation District
156 Cowpath Road
Aliquippa, PA 15001
(724) 378-1701East Taylor
Township;
Jackson Township

PAC110034

Peoples Gas Company,
LLC
205 North Main Street
Butler, PA 16001UNTs to Hinckston
Run (WWF and
CWF); Hinckston
Run (CWF); UNT to
Little Conemaugh
River (CWF); Little
Conemaugh River
(WWF)Cambria County
Conservation District
401 Candlelight Drive
Suite 229
Ebensburg, PA 15931
(814) 472-2120Brush Valley
Township

PAC320025

Pennsylvania Department
of Conservation and
Natural Resources
Bureau of State Parks
Rachel Carson State
Office Building
P.O. Box 8551
Harrisburg, PA 17105Yellow Creek Lake
(CWF)Indiana County
Conservation District
625 Kolter Drive
Suite 8
Indiana, PA 15701
(724) 471-4751Brothersvalley
Township

PAC560017

Pennwood Farms, LLC
262 Sugar Grove School
Road
Berlin, PA 15530UNT to Glades
Creek (CWF); UNT
to Stonycreek River
(CWF)Somerset County
Conservation District
Somerset County Ag
Center
6024 Glades Pike
Suite 103
Somerset, PA 15501
(814) 445-4652

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Elk Lick Township	PAC560018	YMCA of Greater Pittsburgh 254 Deer Valley Road Fort Hill, PA 15540	Cove Run (CWF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Union Township	PAC630061	Union Gardens, LP 1550 Connor Drive South Park, PA 15129	UNTs to Peters Creek (TSF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township	PAC630071	Benjamin Marcus Homes, LLC 124 Windermere Court McMurray, PA 15317	UNT to Peters Creek (TSF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
North Strabane Township	PAC630084	The Streets at the Meadows, LP 375 Southpointe Boulevard Suite 410 Canonsburg, PA 15317	UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Chartiers Township	PAC630098	Piatt Estates Chartiers, LP 95 West Beau Street Suite 600 Washington, PA 15301	Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Connoquenessing Borough, Butler County	PAC100104	Manor Development Group II Mr. Domonic Gigliotti 11272 Perry Highway Suite 509 Wexford, PA 15090	UNT to Connoquenessing Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Vernon Township, Crawford County	PAC200046	Wayne's Self Storage LLC Wayne Karastury D&M Tool, Inc 10976 McHenry Street Meadville, PA 16335	Mud Run to Conneaut Outlet WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
Pine Township, Crawford County	PAC200043	Linesville DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	UNT to Pymatuning Reservoir WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
City of Erie, Erie County	PAC250047	PennDot District 1-0 255 Elm Street Oil City, PA 16301	Lake Erie WWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Knox Township, Clearfield County	PAC680013	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Potts Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Knox Township, Clearfield County	PAC680014	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Potts Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Darby Township Delaware County	PAG030077	Action Supply Co. Inc. 1401 Calcon Hook Road Sharon Hill, PA 19079-1102	Darby Creek 3-G	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

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).

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Franklin Township Greene County	PAG036223	Greene County Water Treatment, LLC 401 Jefferson Road Waynesburg, PA 15370	South Fork Tenmile Creek—19-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Jackson Township Butler County	PAG038368	United Parcel Service Inc. 521 N Center Avenue New Stanton, PA 15672-9415	Unnamed Tributary of Glade Run—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-13

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dupont Borough Luzerne County	PAG132226	Dupont Borough 600 Chestnut Street Dupont, PA 18641-1935	Lidy Creek and Mill Creek—5-A (CWF/MF)	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Swatara Township Dauphin County	PAG133543	Lower Swatara Township Dauphin County 1499 Spring Garden Road Middletown, PA 17057	Unnamed Tributary to Burd Run, Unnamed Tributary to Laurel Run, and Unnamed Tributary of Swatara Creek— 7-C and 7-D	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
West Hanover Township Dauphin County	PAG133545	West Hanover Township Dauphin County 7171 Allentown Boulevard Harrisburg, PA 17112	Beaver Creek, Unnamed Tributary to Beaver Creek, Unnamed Tributary of Manada Creek, and Unnamed Tributary to Manada Creek—7-D	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Mechanicsburg Borough Cumberland County	PAG133553	Mechanicsburg Borough Cumberland County 36 W Allen Street Mechanicsburg, PA 17055	Trindle Spring Run, and Cedar Run— 7-B	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Manheim Township Lancaster County	PAG133534	Manheim Township Lancaster County 1840 Municipal Drive Lancaster, PA 17601	Little Conestoga Creek, Conestoga River, and Unnamed Stream—7-J	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Monroe Township Cumberland County	PAG133573	Monroe Township Cumberland County 1220 Boiling Springs Road Mechanicsburg, PA 17055	Yellow Breeches Creek—7-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Wormleysburg Borough Cumberland County	PAG133616	Wormleysburg Borough Cumberland County 20 Market Street Wormleysburg, PA 17043-1699	Unnamed Tributary to Susquehanna River, Conodoguinet Creek, Susquehanna River Creek— 7-C and 7-B	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Upper Allen Township Cumberland County	PAG133708	Upper Allen Township Cumberland County 100 Gettysburg Pike Mechanicsburg, PA 17055	Cedar Run, Unnamed Tributary to Cedar Run, and Unnamed Tributary to Yellow Breeches Creek—7-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800

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>
John Hess 218 Rock Point Rd Marietta, PA 17547	Lancaster	158.4	416.44	Beef	NA	A
Robert & Michael Shearer 806 Anderson Ferry Rd Mount Joy, PA 17552	Lancaster	290	682.3	Swine/Beef	NA	A
Joshua T Akers 590 Church Rd Quarryville, PA 17566	Lancaster	163.9	113.93	Ducks/Beef	HQ	A
Aaron Hawbaker Hawbaker's Farm LLC 6842 Buttermilk Road Waynesboro, PA 17268	Franklin	259.4	195.2	Poultry— Ducks	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Sourcewater Protection Program Approval issued to **Borough of Wampum Water Department**, P.O. Box 65, Wampum, PA 16157, **PWSID No. 6370032**, Brough of Wampum, **Lawrence County** on June 11, 2018.

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 1518501, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	East Bradford
County	Chester
Type of Facility	PWs
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	May 18, 2018

Permit No. 1518512, Minor Amendment. Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	West Bradford

County **Chester**
 Type of Facility PWS
 Consulting Engineer Gannett Fleming, Inc.
 650 Park Avenue
 King of Prussia, PA 19408
 Permit to Construct May 18, 2018
 Issued

Permit No. 1518513, Minor Amendment. Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Township Schuylkill
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Gannett Fleming, Inc.
 650 Park Avenue
 King of Prussia, PA 19408
 Permit to Operate May 18, 2018
 Issued

Permit No. 4618505, Minor Amendment. Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Township New Hanover
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Permit to Operate May 17, 2018
 Issued

Operations Permit # 0918505 issued to: **Forest Park Water**, 144 Park Avenue, P.O. Box 317, Chalfont, PA 18914-0317, **PWS ID 1460048**, New Britain Township, **Bucks County** on May 4, 2018 for the operation of Membrane Filtration facilities.

Operations Permit # 0918511 issued to: **Gabriel's II Pizza**, 1118 Taylorsville Road, Washington Crossing, PA 18977, **PWS ID # 1091363**, Upper Makefield Township, **Bucks County** on June 5, 2018 for the operation of Gabriel's II Pizza Water System, Main Well, Hydro-pneumatic Tank and Pressure Pump, 5 gpm flow Restrictor, Chlorination, Two (2) 119-Gallon Chlorine Contact Tanks, and Distribution System.

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

Permit No. 3618509, Public Water Supply.
 Applicant **East Lampeter Township**
 Municipality East Lampeter Township
 County **Lancaster**
 Responsible Official Charlie Thomas, Public Works Director
 2250 Old Philadelphia Pike
 Lancaster, PA 17602

Type of Facility Replacement of the existing calcium hypochlorite disinfection system with a new sodium hypochlorite disinfection system that is capable of providing 4-log treatment of viruses.
 Consulting Engineer Scott M. Rights, P.E.
 Steckbeck Engineering Associates
 279 N Zinns Mill Rd
 Lebanon, PA 17042
 Permit to Construct 6/5/2018
 Issued

Permit No. 3618511 MA, Minor Amendment, Public Water Supply.

Applicant **Fox Meadows Creamery**
 Municipality Clay Township
 County **Lancaster**
 Responsible Official Corey R. Fox, Owner
 2475 West Main Street
 Ephrata, PA 17522

Type of Facility Installation of sodium hypochlorite disinfection and facilities to provide 4-log treatment of viruses.

Consulting Engineer Charles A. Kehew II, P.E.
 James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401
 Permit to Construct 6/5/2018
 Issued

Permit No. 6718505 MA, Minor Amendment, Public Water Supply.

Applicant **Borough of Hanover**
 Municipality Hanover Borough
 County **York**
 Responsible Official Michael Bowersox, Borough Manager
 44 Frederick Street
 Hanover, PA 17331-3501

Type of Facility The Borough of Hanover is proposing a water main lining project which consists of cleaning and cement lining sections of existing water mains and replacing failing valves as needed along East Chestnut Street, West Chestnut Street, Allewalt Alley, and Willow Court.

Consulting Engineer Michael J. Mehaffey, P.E.
 Gannett Fleming, Inc.
 P.O. Box 67100
 Harrisburg, PA 17106-7100

Permit to Construct 6/11/2018
 Issued

Operation Permit No. 6717504 MA issued to: **Borough of Hanover (PWS ID No. 7670076)**, Hanover Borough, **York County** on 6/1/2018 for facilities approved under Construction Permit No. 6717504 MA.

Operation Permit No. 0618514 E issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Ontelaunee Township, **Berks County** on 5/31/2018 for facilities approved under Construction Permit No. 0618514 E.

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

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) South Connellsville Borough, **Fayette County** on June 8, 2018 for the operation of facilities approved under Construction Permit # 2618504.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) South Connellsville Borough, **Fayette County** on June 8, 2018 for the operation of facilities approved under Construction Permit # 2618502.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) Dunbar Township, **Fayette County** on June 8, 2018 for the operation of facilities approved under Construction Permit # 2618511.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) Dunbar Township, **Fayette County** on June 8, 2018 for the operation of facilities approved under Construction Permit # 2613516-A1.

Operations Permit issued to: **Wilkesburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, PA 15221, (**PWSID # 5020056**) Penn Hills Borough, **Allegheny County** on June 7, 2018 for the operation of facilities approved under Construction Permit # 0218520.

Permit No. 0217554MA, Minor Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
[Borough or Township]	Union Township
County	Washington
Type of Facility	Aldrich Purification Unit No. 1
Consulting Engineer	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	June 7, 2018

Permit No. 0215524MA, Minor Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
[Borough or Township]	Claysville Borough
County	Washington
Type of Facility	Claysville water storage tank

Consulting Engineer	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
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Permit to Construct Issued	June 7, 2018
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Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 1017508, Public Water Supply.

Applicant	PA DCNR—Bureau of Parks Moraine State Park
Township or Borough	Muddy Creek Township
County	Butler
Type of Facility	Public Water Supply
Consulting Engineer	Shawn Beeler PA DCNR 400 Market Street Harrisburg, PA 17105

Permit to Construct Issued	June 06, 2018
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SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Perry Township	P.O. Box 69 Hadley, PA 16130	Mercer

Plan Description: The approved plan amendment provides for changes to the previously approved plan of July 14, 2014. The amendments consist of constructing a 46,250 gpd conventional activated sludge wastewater treatment plant with a pressure sewer collection/conveyance system for the areas of Hadley and Camp Perry and a 7,600 gpd community on-lot disposal system with a gravity sewer system for the Clarks Mills area. The amendments will continue to address the sewage needs within the three main focus areas and will also serve the growth needs of these areas in Perry Township. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spring Township	2850 Windmill Road Reading, PA 19608	Berks

Plan Description: The Component 3 Sewage Facilities Planning Module submitted for the Reserve at Gring's Mill project, DEP Code No. A3-06961-229-3, APS Id 964264, is disapproved. The purpose of this plan was to build 10 new apartment buildings that would contain 90 one-bedroom and 120 two-bedroom apartments, as well as a community center, pool and club house. Proposed sewage flows were 25,674 gallons per day to be served by the sewers of Spring Township and the City of Reading, as well as the City of Reading's wastewater treatment plant. The proposed development is located on the south side of Tulpehocken Road, west of the junction with Broadcasting Road. The submission was denied because the proposed connection to the existing public sewerage system requires an easement through the property owned by the Spring Ridge North Property Owners Association. An executed easement agreement was not provided, and thus it could not be determined that the chosen alternative was feasible. Reference Chapter 71, section 71.61(d)(2).

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: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Michael Hummel Property, 1084 Hillview Drive, **Lehigh County**. RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406, on behalf of Ranson Fuel, 1320 Northwestern Boulevard, Quakertown, PA 18951, submitted a Final Report concerning remediation of a release of heating oil to the soil. 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.

David Angstadt Property, 539 Manatawyn Road, Boyertown, PA 19512, Earl Township, **Berks County**. EnviroTrac Environmental Services, 8133 Easton Road, Ottsville, PA 18942, on behalf of David Angstadt, 539 Manatawyn Road, Boyertown, PA 18512, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Carl and Betty Martin Property, 1215 Creek Road, Manheim, PA 17545, Mount Joy Township, **Lancaster County**. Liberty Environmental, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Carl and Betty Martin, 1215 Creek Road, Manheim, PA 17545, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Gardens at Millville, 48 Haven Lane, Borough of Millville, **Columbia County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Priority Healthcare Group, 99 West Hawthorne Avenue, Suite 508, Valley Stream, NY 11580, has submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Sheetz Store No. 613, 2 Bolivar Drive, Foster Township, **McKean County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of MBC Properties, LP, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xylenes (total), Methyl Tert-Butyl Ether (MTBE), Naphthalene, Cumene, 1,2-Dibromoethane (EDB), 1,2-Dichloroethane (EDC), 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Lead, and site groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene, Methyl Tert-Butyl Ether (MTBE), Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes (total), 1,2-Dibromoethane (EDB), 1,2-Dichloroethane (EDC), and Lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Bridge for Housing Opportunities, Inc. Property, Harding and Oak Streets, Nicholson Borough, **Wyoming County.** LaBella Associates, 1000 Duham Drive, Suite B, Dunmore, PA 18512, on behalf of Bridge for Housing

Opportunities, Inc., 133 SJ Bailey Road, Nicholson, PA 18446, submitted a Final Report concerning remediation of soil and groundwater contamination caused by a release from an underground storage tank that contained heating oil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on June 11, 2018.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

CVS Store No. 1681 (Formerly Lock Haven Laundry), Bellefonte Avenue and Commerce St., City of Lock Haven, **Clinton County.** ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406 submitted a Baseline Environmental Report under the Special Industrial Area Standard concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report was approved by the Department on May 24, 2018.

Thomas C. Styer Farm & Market, 215 Shady Lane, Muncy, Muncy Creek Township, **Lycoming County.** Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 15548, on behalf of Thomas C. Styer Farm & Market, 215 Shady Lane, Muncy, PA 17756, submitted a Final Report concerning remediation of site soil and groundwater contaminated with heating oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 6, 2018.

Weis Transportation Inc, Intersection of Colonel John Kelly Road & JPM Road, Kelly Township, **Union County.** Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Weis Transportation, Inc., 1000 South Second Street, P.O. Box 471, Sunbury, PA 17801, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 11, 2018.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Sheetz Store No. 613, 2 Bolivar Drive, Foster Township, **McKean County.** United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of MBC Properties, LP, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan (Report) concerning the remediation of Benzene, Toluene, Ethylbenzene, Xylenes (total), Methyl Tert-Butyl Ether (MTBE), Naphthalene, Cumene, 1,2-Dibromoethane (EDB), 1,2-Dichloroethane (EDC), 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Lead, and site groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene, Methyl Tert-Butyl Ether (MTBE), Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes (total), 1,2-Dibromoethane (EDB), 1,2-Dichloroethane (EDC), and Lead. The Report was disapproved by the Department on June 5, 2018.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (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 Reissued

J&J Environmental, Inc., P.O. Box 370, Blue Bell, PA 19422. License No. PA-AH 0800. Effective Jun. 11, 2018.

Med-Flex, Inc., P.O. Box 365, Hainesport, NJ 08036. License No. PA-AH 0847. Effective Jun. 11, 2018.

Radiac Research Corp., 261 Kent Avenue, Brooklyn, NY 11211. License No. PA-AH S007. Effective Jun. 08, 2018.

U.S. Industrial Technologies, Inc., 12000 Globe Street, Livonia, MI 48150. License No. PA-AH 0747. Effective Jun. 07, 2018.

**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 and the act 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 Reissued

Advant-Edge Solutions of Middle Atlantic, Inc., 1 Shea Way, Newark, DE 19713. License No. PA-HC 0220. Effective Jun. 08, 2018.

**HAZARDOUS WASTE TREATMENT, STORAGE AND
DISPOSAL FACILITIES**

Bonds forfeited under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD003015328. Phoenix Group, LLC and Phoenix Group II, LLC, 1050 17th Street NW, Suite 600, Washington, DC 20036, for the site located at E/S Oak Street (Tax Parcel No. 400-73447-0-0000), Manheim Borough, **Lancaster County**. Due to lack of compliance with post closure care and financial responsibility requirements for the Phoenix Group Landfill (fka Raymark Industries Landfill), a cash bond in the amount of \$149,674.00 has been forfeited by the Department on June 6, 2018.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457.

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 this notice. A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

Interested persons may contact John Oren, P.E., Permits Section Chief, at PA DEP-Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110 or by phone at 717-705-4706.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) Reissuance Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

General Permit No. WMGM042NC002. JMA Farms, LLC, 1078 Iron Bridge Road, Middleburg, PA 17842. Permit reissuance for change of ownership from Ideal Family Farms, LLC to JMA Farms, LLC for anaerobic digestion of various waste streams to ultimately be land-applied in accordance with the approved nutrient management plan. The permit reissuance was approved by Northcentral Office on June 5, 2018.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. 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 withdrawn under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit Application No. WMGR129SW001. PADEP—Bureau of Abandoned Mine Reclamation, 288 Industrial Park Road, Ebensburg, PA 15931. The Determination of Applicability request for coverage under General Permit WMGR129 to beneficially use alkaline clay byproduct of bauxite ore as a soil additive for reclamation of acidic coal refuse for the Black Dog Hollow Abandoned Mine Reclamation Project located in East Bethlehem Township, **Washington County** was withdrawn on June 6, 2018.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permits renewed under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit No. 301354 The permit for **Brunner Island, LLC Disposal Area 8**, 1400 Wago Rd, York Haven, PA which expires on August 29, 2018, was renewed on June

7, 2018 and is extended until August 29, 2028 for Solid Waste Permit No. 301354, for the operation of the Brunner Island, LLC Area 8 in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP9-06-03176: The H&K Group, Inc. (2052 Lucon Road, P.O. Box 196, Skippack, PA 19474) on June 5, 2018, for a diesel engine under GP9, to power a generator for a portable concrete plant at the Hamburg Commerce Park located in Perry Township, **Berks County**.

GP1-36-03148A: UPMC Pinnacle Lititz (1500 Highland Drive, Lititz, PA 17543-7694) on June 6, 2018, for two existing natural gas/# 2 oil-fired boilers under GP1, at the hospital facility located in Warwick Township, **Lancaster County**. The general permit authorization was re-issued due to a change of ownership.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

GP5-30-00225B: Rice Poseidon Midstream, LLC (2200 Rice Drive, Canonsburg, PA 15317) on June 11, 2018, to operate previously installed sources which include: Two (2) Caterpillar, Model No. G3612 L, 4 stroke lean burn natural gas-fired compressor engines, each rated @ 3,550 bhp 1,000 rpm; controlled by an oxidation catalysts-Emit, Model No. RT-4815-Z, and each unit is regulated by an air/fuel ratio controller AFR-1; Two (2) Caterpillar, Model No. G3606 LE, 4 stroke lean burn natural gas-fired compressor engine, rated @ 1,775 bhp 1,000 rpm; controlled by an oxidation catalyst-Emit, Model No. RT-3615-Z; and each unit is regulated by an air/fuel ratio controller AFR-1; Two (2) TEG dehydrators, each rated @ 150 MMscfd, equipped with two (2) reboilers each rated at 2.67 MMBtu/hr, vent to two (2) flares each rated at 12.0 MMBtu/hr and 98% control efficiency 98%. Pilot burner rated @ 0.012 MMBtu/hr; Two (2) Flash Tanks containing rich glycol to remove VOC from rich glycol; each flash tank is attached to an enclosed flare. Excess flash gas and still vent to an enclosed flare; Nine (9) natural gas-fired Microturbines, GE-1 thru GE-9, Model No. Capstone C65 NG Standard Microturbines, each turbine is rated at 65 KW (87 HP); Four (4) produced water tanks, 16,800 gallons (400 bbl) capacity each. Annual estimated throughput of each tank is 250,320 gallons; uncontrolled. Estimated content vapor pressure < 1.0 psia; Five (5) waste oil storage tanks, 1,000 gallons capacity each. Annual estimated throughput of each tank is 4,000 gallons; uncontrolled. Estimated content vapor pressure < 1.0 psia; and Seventeen (17) miscellaneous storage tanks; containing tri ethylene glycol, lube oil, and ethylene glycol coolant; 500 gallons capacity each. Annual estimated throughput of each tank

is 2,000 gallons; uncontrolled. Estimated content vapor pressure < 1.0 psia at their Patton Compressor Station located in Franklin Township, **Greene County**.

GP5-30-00230B: Greylock Midstream, LLC (500 Corporate Landing, Charleston, WV 25311) on June 07, 2018, to authorize construction and operation of; one (1) Cameron Dehydrator-1 rated at 50 MMscfd, equipped with a flash tank and a reboiler rated at 1.00 MMBtu/hr, controlled by a flare rated at 2.0 MMBtu/hr, 98% control efficiency; one (1) Dehydrator-2 rated at 50 MMscfd, equipped with a flash tank and a reboiler rated at 1.00 MMBtu/hr, controlled by a flare rated at 2.0 MMBtu/hr, 98% control efficiency; two (2) Enclosed Flares, each rated at 2.0 MMBtu/hr, 98% control efficiency; and continued operation of the previously installed sources consisting of: one (1) natural gas-fired Caterpillar Compressor Engine-1, Model No. G3606 TALE, Serial No. 4ZS01919, 4SLB, rated at 1,775 bhp @ 1,000 rpm, controlled by DCL International oxidation catalyst, Model No. DCL DC64L2-18HGS, and regulated by air/fuel ratio controller; one (1) natural gas-fired Caterpillar Compressor Engine-2, Model No. G3606 TALE, Serial No. 4ZS01471, 4SLB, rated at 1,775 bhp @ 1,000 rpm, controlled by EMIT Technologies oxidation catalyst, Model No. RT-3615-Z, and regulated by air/fuel ratio controller; one (1) natural gas-fired Caterpillar Compressor Engine-3, Model No. G3606 LE, Serial No. 4ZS01470, 4SLB, rated at 1,775 bhp @ 1,000 rpm, controlled by controlled by DCL International oxidation catalyst, Model No. DCL DC64-L2 and regulated by air/fuel ratio controller; one (1) natural gas-fired Caterpillar Compressor Engine-4, Model No. G3606, Serial No. 4ZS01438, 4SLB; rated at 1,775 bhp @ 1,000 rpm, controlled by DCL International oxidation catalyst, Model No. DCL DC64-L2, and regulated by air/fuel ratio controller; one (1) natural gas-fired Caterpillar Compressor Engine-5, Model No. G3606 LE, Serial No. 4ZS01444, 4SLB, rated 1,775 bhp @ 1,000 rpm, controlled by oxidation catalyst DCL DC64-L2, and regulated by air/fuel ratio controller; one (1) Exterran TEG Dehydrator-3 rated at 50 MMscfd, equipped with a flash tank and a reboiler rated at 1.00 MMBtu/hr, controlled by a common enclosed flare rated at 2.0 MMBtu/hr; one (1) Diverse Energy TEG dehydrator-4, rated 50 MMscfd; equipped with a flash tank and a reboiler rated at 1.00 MMBtu/hr, controlled by a common enclosed flare rated at 2.0 MMBtu/hr; one (1) Enclosed Flare; rated at 2.0 MMBtu/hr, 98% control efficiency, and connected to two reboilers; one (1) Produced Water Storage Tank, 4,200-gallon (100 bbl) capacity; one (1) Oil Storage Tank-400 bbl capacity. Two (2) Produced Water Storage Tanks, each rated at 400 bbl; at their Veres Compressor Station, located in Green Township, Greene County.

GP5-65-01020B: Keyrock Energy, LLC (P.O. Box 2223, Johnson City, TN 37605) on June 6, 2018, to authorize continued operation of the previously installed sources consisting of one (1) coal bed methane gas-fired G3306 TA LCR Caterpillar engine, 4SRB, rated at 194 bhp @ 1,800 rpm, controlled by a NSCR Catalyst (Non-Selective Catalytic Reduction), manufactured by EMIT Technologies, Model No. RE-1200-T; one (1) Storage Tank, with a capacity of 4,200 gallons to hold waste fluid from the compressor. Vapor pressure of the content is 1.5 psia and controlled by a pressure relief valve set at 0.7 psig; at their Hribal Compressor Station, located in East Huntingdon Township, **Westmoreland County**.

GP5-30-00163D: CNX Gas Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) on June 5, 2018, to allow the continued operation of the Green Hill Plant located in Center Township, **Greene County**.

GP5-03-00258A: MDS Gathering (409 Butler Road, Kittanning, PA 16201) on May 25, 2018, to allow the continued operation of one natural gas-fired compressor engine rated at 330 bhp and controlled by a catalyst, one TEG dehydrator, one natural gas-fired reboiler, and four storage tanks at the Gilpin Compressor Station, located in Gilpin Township, **Armstrong County**.

GP5-65-00955B: Peoples Natural Gas Company, LLC (375 North Shore Drive, Suite 600, Pittsburgh, PA 15212) on May 25, 2018, to authorize continued operation of one Caterpillar natural gas-fired engine rated at 633 bhp, two storage tanks, and two catalytic heaters at the Merwin Compressor Station located in Washington Township, **Westmoreland County**.

GP5-32-00383B: Alliance Petroleum Corporation (4150 Belden Village Avenue NW, Canton, OH 44718) on June 5, 2018, to allow the continued operation of one rich burn natural gas-fired compressor engine rated at 225 bhp and controlled by a three-way catalyst, three 2,100 gallon produced water and oil storage tanks, fugitive emissions and truck loading at the Henry Compressor Station, located in East Mahoning Township, **Indiana County**.

GP5-03-00254B: EXCO Appalachia Midstream, LLC (12377 Merit Dr., STE 1700, Dallas, Texas 75251) on May 31, 2018, to allow the continued operation of an existing, natural gas-fired compressor engine, rated at 1,380 bhp and controlled by a three-way oxidation catalyst: an existing triethylene glycol (TEG) dehydrator; an existing natural gas-fired reboiler rated at 0.75 MMBtu/hr; and six storage tanks of various capacities at the Sawmill Compressor Station, located in Kittanning and Plumcreek Townships, **Armstrong County**.

GP5-32-00437B: Appiance Petroleum Corporation (4150 Belden Village Avenue NW, Suite 410, Canton, OH 44718) on June 5, 2018, to authorize continued operation of the previously installed sources consisting of one (1) Ajax, 2-Stroke natural gas-fired lean burn engine, Model # DCP-2802 LE, rated at 400 bhp; one (1) TEG dehydrator, rated at 2.0 MMscfd including a reboiler rated at 0.25 MMBtu/hr, and four (4) storage tanks to store produced fluids of various capacities at their Pineton Compressor Station, located in Greene Township, **Indiana County**.

Plan Approvals Issued under the Air Pollution Control Act 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

21-03007A: Purina Animal Nutrition, LLC (475 St. Johns Church Road, Camp Hill, PA 17011) on June 5, 2018, for the construction of a new pellet cooler, high efficiency cyclone and fan system to replace the existing # 2 pellet cooler, cyclone, and fan system at the feed mill located in Hampden Township, **Cumberland County**.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

32-00157A: Peoples Natural Gas Company, LLC (375 N Shore Drive, Suite 600, Pittsburgh, PA 15212) On

June 7, 2018, the Pennsylvania Department of Environmental Protection (Department) issued Air Quality Plan Approval PA-32-00157A to allow the construction and initial temporary operation of 1) a natural gas-fired, 4-stroke ultra-lean burn, Caterpillar Model No. G3512ULB compressor engine rated at 887 bhp equipped with an ADEM III air fuel ratio controller and controlled by a DCL America Oxidation Q catalyst as a permanent replacement for Sources 101, 102, 103, and 104 which will be decommissioned and removed from service, and 2) a Hanover triethylene glycol dehydration unit rated at 10 MMscfd equipped with a natural gas-fired 0.5 MMBtu/hr reboiler and controlled by an IRSVC model no. 30-2 natural gas-fired thermal oxidizer rated at 2.0 MMBtu/hr at the Kinter Compressor Station (Kinter) located in Rayne Township, **Indiana County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

09-0174F: Liberty Coating CO LLC (21 Steel Rd S, Morrisville, PA 19067-3614) On June 8th for installation of an interior abrasive blasting operation with dust collector in Falls Township, **Bucks County**.

23-0047H: Evonik Corporation (1200 W. Front Street, Chester, PA 19013-3438) On June 8th for the installation of a Silo, a Granular and associated baghouse as a control device in Chester City, **Delaware County**.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

PA-03-00263A: Allegheny Mineral Corporation (One Glade Drive, P.O. Box 1022, Kittanning, PA 16201-7139) on June 11, 2018, to modify the Plan Approval to initiate the period of temporary operation for their New Limestone Preparation Plant at Bison Mine limestone facility located in West Franklin Township, **Armstrong County**.

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

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

20-040J: Advanced Cast Products (18771 Mill St., Meadville, PA 16335) on May 16, 2018, effective May 31, 2018, has issued a plan approval extension for the construction and operation of a silo with a maximum capacity of 1,680 cubic feet and will be used to store Pre-mix material for the casting mold making process in Vernon Township, **Crawford County**. This will expire November 30, 2018. This is a Title V facility.

25-053F: Urick Foundry Company (1501 Cherry Street, Erie, PA 16502) on May 31, 2018, effective May 31, 2018, has issued a plan approval extension for the installation of new foundry equipment capable of producing larger castings. This project will include the installation of two (2) 80-ton sand silos, two (2) bin vents, a mold making system, a new pouring/cooling/shakeout system, new sand blasting equipment, new grinding equipment and four (4) new baghouses. This facility is located in the

City of Erie, **Erie County**. This will expire on November 30, 2018. This is a State Only facility.

42-011C: International Waxes—Farmers Valley Plant (45 Route 446, Smethport, PA 16749) on June 11, 2018, effective June 30, 2018, has issued a plan approval extension for modification to existing coal fired boilers by adding natural gas firing capability and the construction of a new natural gas fired boiler in Keating Township, **McKean County**. This expires December 31, 2018. This is a Title V facility.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

49-00020: Truck Accessories Group d/b/a TAG East (3560 Housels Run Road, Milton, PA 17847) on June 8, 2018, a Title V operating permit for their Milton facility located in Milton Borough, **Northumberland County**. The facility's sources include forty-four (44) natural gas-fired space heaters, one (1) propane-fired emergency generator, a fiberglass reinforced plastic molding and assembly operation, a truck cap and Tonneau Cover assembly and finishing area and three (3) solvent recovery units which have the potential to emit major quantities of volatile organic compounds (VOCs) and volatile hazardous air pollutant (VHAP) emissions. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter (PM/PM₁₀) and carbon dioxide equivalents (CO₂e) below the major emission thresholds. The Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

37-00023: NRG Power Midwest LP New Castle Generating Station (Route 168 South, P.O. Box 325, West Pittsburgh, PA 16160), on June 6, 2018, the Department issued a renewal of the Title V Operating Permit for the facility located in Taylor Township, **Lawrence County**. The facility is an electric generating station. The facility's major emission sources include three Babcock & Wilcox Boilers rated at 1,029 MMBtu/hr, 1,029 MMBtu/hr, and 1,565 MMBtu/hr, respectively, an electromotive diesel engine, an auxiliary boiler, a natural gas pipeline heater, coal stockpile, bottom/flyash disposal, plant roadways, flash storage silos, two diesel emergency generators, and a parts washer. The facility is a major facility due to its potential to emit of PM, PM₁₀, PM_{2.5}, SO_x, NO_x, CO, VOC, and HAPs. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The diesel generators and emergency generators are subject to 40 CFR Part 60, Subpart ZZZZ. The facility was authorized plan approval 37-023F for the installation of natural gas burners and plan approval 37-023G for a Plant-Wide PAL. The requirements of these two plan approvals are incorporated into the permit. The facility primarily burns natural gas. If the facility burns oil or coal, the NESHAPS requirements of 40 CFR Part 63 Subpart UUUU apply.

The acid rain permit will be issued along with the renewal permit. The permit contains the RACT 2 Presumptive limits of § 129.97. The permit contains the requirements of the Cross-State Air Pollution Rule, Continuous Assurance Monitoring, and the Major Source Boiler MACT 40 CFR Part 63 Subpart DDDDD. The actual emissions from this facility for 2017 were: 17.1 TPY CO, 255.2 TPY NO_x, 10.5 TPY PM₁₀, 3.2 TPY PM_{2.5}, 1.8 TPY SO_x, and 2.5 TPY VOC.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

35-00071: Hickory Crematory and Cremation Services of NEPA, LLC, (436 Cedar Avenue, Scranton, PA 18505). On May 23, 2018 the Department issued a renewal State-Only Natural Minor Permit for this facility located in the City of Scranton, **Luzerne County**. The main source at this facility is a crematory incinerator. The control device is a secondary chamber. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00064: CERA MET, LLC, Bethlehem Facility (2175 Avenue C, Bethlehem, PA 18017). On June 7, 2018, the Department issued a renewal State-Only Synthetic Minor Permit for the aluminum foundries facility located in Bethlehem City, **Lehigh County**. The main sources at this facility consist of binder mixing tanks, shell room, dewax autoclaves, and melters/holders. The control devices consist of thermal oxidizers and a wet scrubber. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-03027: Pretium Packaging LLC (1 Devco Drive, Manchester, PA 17345-1337) on June 1, 2018, for the plastic bottle manufacturing facility located in East Manchester Township, **York County**. The State-only permit was renewed.

06-03091: Rose Acquisitions Co., LLC (P.O. Box 15208, Reading, PA 19612-5208) on May 30, 2018, for the steel structure fabrication facility located in Reading City, **Berks County**. The State-only permit was renewed.

67-03113: Advanced Industrial Services, Inc. (3250 N. Susquehanna Trail, York, PA 17406-9754) on May 31, 2018, for the metal fabrication facility located in Manchester Township, **York County**. The State-only permit was renewed.

05-03004: Chestnut Ridge School District (P.O. Box 80, Fishertown, PA 15539-0080) on May 31, 2018, for the boilers at the high school and elementary school facilities located in East Saint Clair Township, **Blair County**. The State-only permit was renewed.

06-03152: Atlas Minerals & Chemicals, Inc. (1227 Valley Road, P.O. Box 38, Mertztown, PA 19539-8827) on June 4, 2018, for the synthetic resin and specialty asphalt manufacturing facility located in Longswamp Township, **Berks County**. The State-only permit was renewed.

36-03133: Wilkins Rogers Mills (19 North Market Street, P.O. Box 175, Mount Joy, PA 17552-1303) on June 4, 2018, for the flour mill located in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

61-00147: PA DHS Polk Center (P.O. Box 94, Main Street, Polk, PA 16342), the Department on June 5, 2018, issued a State Operating Permit for the facility located in Polk Borough, **Venango County**. Polk State Center is an intermediate care facility for people with intellectual disabilities. The facility provides 24-hour supported living, medical care and developmental activities. The facility's major emission sources include three 600 HP coal fired boilers, a new 28.6 MMBtu/hr gas fired boiler, miscellaneous combustion units rated less than 2.5 MMBtu/hr, existing emergency or stand by generators, a degreaser Unit and a Kohler 1,880 HP, diesel emergency generator at the substation.

The facility was previously a Title V facility but has taken elective restrictions to be considered a synthetic minor facility. The potential NO_x, CO, SO_x, and PM₁₀ emissions are less than 100 TPY. The potential VOC emissions are less than 50 TPY. The potential HAPs emissions are less than 10 TPY. The actual emissions for 2017 were 32.7 TPY SO_x, 18.5 TPY NO_x, 0.9 TPY VOC, 9.0 TPY CO, 3.1 TPY PM₁₀, less than 1 TPY HAPs, and 8,059 TPY Carbon Dioxide. The coal boilers are limited to 2,500 tons of coal per 12-month rolling period for all three boilers combined.

The natural gas and diesel fuel electric generators (Source ID # 101) and Kohler, 1,880 HP, Diesel powered electric generator (Source ID # 103) are subject to 40 CFR Part 63, Subpart ZZZZ and 40 CFR Part 60, Subpart IIII respectively. The three coal boilers are considered limited-use boilers and are restricted to an annual capacity factor of less than 10%. The coal boilers are subject to 40 CFR Part 63 Subpart JJJJJ. The new natural gas boiler will provide the majority of the steam for the facility and is limited to firing oil during emergency use and is therefore not subject to Subpart JJJJJ. The new natural gas boiler is subject to 40 CFR 60 Subpart Dc.

The permit incorporates the requirements of the previous plan approvals and includes additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

32-00157: Peoples Gas Company, LLC (375 North Shore Drive, Suite 600, Pittsburgh, PA 15212) for the Kinter Compressor Station located in Rayne Township, **Indiana County**. The Department on June 5, 2018, issued an administrative amendment to the Title V Operating Permit for the Kinter Compressor Station to incorporate a change in owner name from Peoples TWP, LLC to Peoples Gas Company, LLC.

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

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

33071301 and NPDES No. PA0236080. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Kocjancic Mine in Snyder Township, **Jefferson County**, Horton Township, **Elk County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on February 23, 2017. Application received: November 16, 2016. Permit issued: June 5, 2018.

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County**, Morris Township, **Washington County** and related NPDES Permit for waterline installation. Surface Acres Proposed 11.1. No additional discharges. The application was considered administratively complete on August 31, 2017. Application received: May 3, 2017. Permit issued: June 1, 2018.

63743705. ArcelorMittal Pristine Resources, LLC, (P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). To renew the permit for the Marianna Mine No. 58 CRDA in West Bethlehem Township, **Washington County** for reclamation only. No discharges. The application was considered administratively complete on August 12, 2015. Application received: May 18, 2015. Permit issued: June 4, 2018.

03951601 and NPDES No. PA0002275. Murray Keystone Processing, Inc., (46226 National Road, St.

Clairsville, OH 43950). To revise the permit for the Keystone Cleaning Plant in Plumcreek and South Bend Townships, Elderton Borough, **Armstrong County** and related NPDES Permit to transfer previously permitted property from Consol Mining Company LLC's Jane Mine to Murray Keystone Processing, Inc.'s Keystone Cleaning Plant. Surface Acres Proposed 29.04. No additional discharges. The application was considered administratively complete on July 12, 2017. Application received: February 24, 2017. Permit issued: June 1, 2018.

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

Permit No. 11120201 and NPDES No. PA0269042. Robindale Energy Services, Inc., 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface mine in East Taylor Township, **Cambria County**, affecting 145.2 acres. Receiving streams: unnamed tributaries to Little Conemaugh River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 30, 2018. Permit issued: June 5, 2018.

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

17030104. E. P. Bender Coal Company, Inc. (P.O. Box 594, Carrolltown, PA 15722). Permit renewal for reclamation only of a bituminous surface coal and auger mine located in Beccaria Township, **Clearfield County** affecting 220.0 acres. Receiving stream(s): Snyder Run and Unnamed Tributaries to Clearfield Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2018. Permit issued: June 4, 2018.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 54151301 and NPDES Permit No. PA0225533. Nova Coal, LLC, (668 Main Street, Tremont, PA 17981), commencement, operation and restoration of an anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in Tremont Township, **Schuylkill County** affecting 9.0 acres, receiving stream: Baird Run and Lorberry Creek. Application received: December 9, 2014. Permit issued: June 8, 2018.

Noncoal Permits Issued

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

PAM413002-GP104. Grannas Brothers Construction Company, Inc., P.O. Box 488, Hollidaysburg, PA 16648. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 4273SM6A2 located in Frankstown Township, **Blair County**. Receiving streams: unnamed tributary to/and Brush Creek to Frankstown Branch of the Juniata River classified for the following uses: warm water fishes, migratory fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: May 15, 2018. Coverage Approved: June 7, 2018.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

PAM618031. Hasbrouck Sand & Gravel, Inc. (12225 Gresham Road, Titusville, PA 16354) General NPDES Permit for stormwater discharges associated with mining

activities on Surface Mining Permit No. 20020303 in Oil Creek Township, **Crawford County**. Receiving streams: Oil Creek. Application received: April 25, 2018. Permit Issued: June 6, 2018.

PAM618032. Troy Sand & Gravel, Inc. (3340 US 422, New Castle, PA 16101) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37060303 in Plain Grove Township, **Lawrence County**. Receiving streams: Unnamed tributary to Taylor Run. Application received: May 2, 2018. Permit Issued: June 6, 2018.

PAM618033. Red Hill Stone Quarry, LLC (311 West Center Street, Johnsonburg, PA 15845) General NPDES Permit for stormwater discharges associated with mining on Surface Mining Permit No. 24102802 in Jay Township, **Elk County**. Receiving streams: Unnamed tributary to Spring Run. Application received: April 30, 2018. Permit Issued: June 6, 2018.

PAM618034. Red Hill Stone Quarry, LLC (311 West Center Street, Johnsonburg, PA 15845) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 24102803 in Jay Township, **Elk County**. Receiving streams: Unnamed tributary to Wolf Lick Run. Application received: April 30, 2018. Permit Issued: June 6, 2018.

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

08120307 and NPDES PA0269646. Glenn O. Hawbaker, Inc. (1952 Waddle Road, Suite 203, State College, PA 16803). Renewal for an NPDES on an existing large noncoal surface mine site located in Athens Township, **Bradford County** affecting 77.0 acres. Receiving stream(s): Buck Creek, Wolcott Creek, and Susquehanna River classified for the following use(s): WWF. Application received: March 12, 2018. Permit issued: May 31, 2018.

PAM218004. Brian M. Edsall, (429 Marty Lane, Towanda, PA 18848), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Small Noncoal Permit No. 08000806 to the following surface water(s) in Asylum Township, **Bradford County**. Receiving stream(s): North Branch Susquehanna River and Towanda Creek. Application received: January 16, 2018. Permit Issued: May 31, 2018.

PAM281005. Jerry L. Johnson (P.O. Box 136, LeRaysville, PA 18829), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Small Noncoal Permit No. 08870803 to the following surface water(s) in Asylum Township, **Bradford County**. Receiving stream(s): Durell Creek. Application received: January 19, 2018. Permit Issued: May 31, 2018.

PAM218006. Jerry L. Johnson (P.O. Box 136, LeRaysville, PA 18829) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Small Noncoal Permit No. 08960804 to the following surface water(s) in Wyalusing Township, **Bradford County**. Receiving stream(s): Camps Creek. Application received: January 19, 2018. Permit Issued: May 31, 2018.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 7474SM1A1C13 and NPDES Permit No. PA0119253. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), correction of an existing quarry operation to authorize mining depth of

200 feet MSL and update the coordinates of the NPDES Permit in Upper Nazareth, Lower Nazareth and Palmer Townships, **Northampton County** affecting 140.4 acres, receiving stream: unnamed tributary to Shoeneck Creek. Application received: August 4, 2017. Correction issued: June 5, 2018.

Permit No. 35182501. Ransom Quarry Co., Inc., (1001 Underwood Road, Olyphant, PA 18411), commencement, operation and restoration of a quarry operation in Ransom Township, **Lackawanna County** affecting 10.0 acres, receiving stream: unnamed tributary to Susquehanna River. Application received: February 6, 2018. Permit issued: June 11, 2018.

Permit No. PAM118003. Ransom Quarry Co., Inc., (1001 Underwood Road, Olyphant, PA 18411), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35182501 in Ransom Township, **Lackawanna County**, receiving stream: unnamed tributary to Susquehanna River. Application received: February 6, 2018. Permit issued: June 11, 2018.

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. 67184107. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Stone Gate Commons in Conewago Township, **York County** with an expiration date of June 30, 2019. Permit issued: June 5, 2018.

Permit No. 67184106. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Goodman Logistics Lewisberry Site in Newberry Township, **York County** with an expiration date of May 16, 2019. Permit issued: June 5, 2018.

Permit No. 36184122. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Willow Run in Pequea Township, **Lancaster County** with an expiration date of May 30, 2019. Permit issued: June 7, 2018.

Permit No. 36184125. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for First Response Team of America in Clay Township, **Lancaster County** with an expiration date of December 30, 2018. Permit issued: June 7, 2018.

Permit No. 67184109. Abel Construction Co., Inc., (P.O. Box 476, Mountville, PA 17554), construction blasting for SR 462 Section Watermain Extension in Hellam Township, **York County** with an expiration date of August 31, 2018. Permit issued: June 7, 2018.

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.

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.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-800. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Union Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a precast reinforced concrete arch bridge across an unnamed tributary to Culver Creek (CWF, MF) having a 12-foot span and a 6-foot underclearance. The project will also result in the relocation of 224 feet of an unnamed tributary to Culver Creek and a de minimus impact to 0.01 acre of EV wetland.

The project is located at S.R. 4016, Segment 0100, Offset 2020.

(Shickshinny, PA Quadrangle Latitude: 41°53'27.22"; Longitude: -75°49'26.94").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E05-392: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Woodbury Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a single span, precast concrete spread box beam bridge that spans 60.0 feet and is 26.0 feet wide over Yellow Creek (HQ-CWF, MF). The project is located on S.R. 1015 (Potter Creek Branch Road) approximately 500 feet west of the intersection of S.R. 0036 (Woodbury Pike Road) and S.R. 1015 in Woodbury, PA, Woodbury Township, Bedford County (Latitude 40.21666°, Longitude

-78.37360°). The project will permanently impact 0.01 acre of EV PEM/PSS/PFO wetland, temporarily impact 0.01 acre of EV PEM/PSS/PFO wetland, impact 0.014 acre of stream, and impact 0.078 acre of floodway to Yellow Creek (HQ-CWF, MF). The purpose of the project is to improve the roadway to current safety standards. The project will have a detour implemented to maintain traffic control. Wetland impacts are de minimus and wetland replacement is not required. Issued June 6, 2018.

E06-721: PA Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101 in Maxatawny & Greenwich Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove existing structures and to install and maintain the following for the purpose of improving transportation safety and roadway standards.

I-78 Section 12M Wetland Impacts

<i>Wetland</i>	<i>Activity</i>	<i>Location</i>	<i>Wetland Classification</i>	<i>Wetland Size (Ac)</i>	<i>Permanent Impact Area (Ac)</i>	<i>Temporary Impact Area (Ac)</i>
W2	Outlet Protection	Station 325+00	PFO/PSS/PEM	1.87	0.01	NA
W3	Fill	Station 333+00	PFO	0.11	0.11	NA
W4	Outlet Protection	Station 340+00 to Station 350+00	PEM	2.47	0.03	0.11
W5A	Fill	Station 346+50	PEM	0.01	0.01	NA
W5	Cut and Fill	Station 347+60 to Station 361+00	PEM	0.41	0.41	NA
W202	Channel Relocation	Station 348+50	PEM	0.11	0.002	NA
W201	Channel Relocation	Station 349+50 to Station 358+50	PEM	0.99	0.10	NA
W123	Fill	Station 361+00	PEM	0.03	0.03	NA
W124	Fill	Station 362+00	PEM	0.02	0.02	NA
W122	Fill	Station 365+00	PEM	0.05	0.05	NA
W121	Indirect	Station 365+50	PEM	0.005	0.005	NA
W6	Fill	Station 365+00 to Station 383+50	PEM	2.21	0.61	0.42
W10	Fill	Station 396+00 to Station 400+50	PEM	0.31	0.21	0.04
W10A	Fill	Station 401+50	PSS/PEM	0.06	0.01	0.01
W11	Fill	Station 402+50	PFO	0.53	0.04	NA
W11	Fill	Station 410+50 to Station 414+00	PEM	0.53	0.15	0.01
W11A	Fill	Station 415+00	PEM	0.12	0.05	0.04
W204	Outlet Protection	Station 440+50	PSS	0.22	0.02	NA
W15	Fill	Station 462+00	PEM	0.07	0.03	NA
W125	Fill	Station 465+00	PEM	0.001	0.001	NA
W17	Fill	Station 493+50 to Station 496+00	PEM	0.05	0.05	NA
W16	Fill	Station 496+00 to Station 497+00	PSS/PEM	0.34	0.03	NA
W17A	Fill	Station 497+00 to Station 500+50	PEM	0.13	0.13	NA
W17B	Fill	Station 501+00 to Station 503+00	PEM	0.08	0.08	NA

<i>Wetland</i>	<i>Activity</i>	<i>Location</i>	<i>Wetland Classification</i>	<i>Wetland Size (Ac)</i>	<i>Permanent Impact Area (Ac)</i>	<i>Temporary Impact Area (Ac)</i>
W101*	Fill	Station 580+00	PEM	0.01	0.01	NA
W205*	Channel Relocation	Station 689+50	PEM	0.04	0.04	NA
W19*	Fill	Station 690+50	PEM	0.28	0.05	0.03
W19A*	Fill	Station 692+00	PEM	0.19	0.06	0.07
W20*	Temporary Access	Station 720+50	PEM	1.18	NA	0.03
TOTALS					2.35	0.76
X* =Exceptional Value Wetland						

I-78 Section 12M Stream Impacts

<i>Stream</i>	<i>Activity</i>	<i>Approximate Location</i>	<i>Channel Relocation (LF)</i>	<i>Rock Channel (LF)</i>	<i>Fill (LF)</i>	<i>Bridge (LF)</i>
S1 Unnamed Tributary (UNT) to Maiden Creek	Pipe Liner Rock Channel	Station 301+49		55' R-5 and R-7 Material		
S3 UNT to Maiden Creek	New Bridge	Station 331+02				113 110 (wide)
S3A UNT to Maiden Creek	Stream Relocation	Station 331+50	102'			
S3 UNT to Maiden Creek	Stream Relocation	Station 348+00 to 360+00	1,222'			
S11 UNT to Maiden Creek	Stream Relocation	Station 471+40 to Station 474+45	320'			
S3C UNT to Maiden Creek	Pipe Liner Culvert Extension Rock Channel	Station 496+75		11' R-5 Material		
S12A UNT to Mill Creek	Fill	Station 578+50 to Station 579+52			102' R-8	
S14 UNT to Mill Creek	Culvert Extension Channel Realignment	Station 690+78	150'			
Totals			1,794'	66'	102'	113'

I-78 Section 12M Stream Impacts

<i>Stream</i>	<i>Activity</i>	<i>Approximate Location</i>	<i>Pipe or Culvert Liner (LF)</i>	<i>Pipe or Culvert Replacement (LF)</i>	<i>Pipe or Culvert Extension (LF)</i>	<i>Rock Apron / Scour Protection (LF)</i>
S1 Unnamed Tributary (UNT) to Maiden Creek	Pipe Liner Rock Channel	Station 301+49	125' 48" RCP			
S3 UNT to Maiden Creek	New Bridge	Station 331+02				
S6 UNT to Maiden Creek	Culvert Extension	Station 393+48			17' 6' Conc Box	5' R-6 Material
S18 UNT to Maiden Creek	Pipe Replacement Pipe Extension	Station 402+05		144' 48" RCP	51' 48" RCP	5' R-5 Material
S3 UNT to Maiden Creek	Outlet Protection	Station 429+00				10' R-4 Material

<i>Stream</i>	<i>Activity</i>	<i>Approximate Location</i>	<i>Pipe or Culvert Liner (LF)</i>	<i>Pipe or Culvert Replacement (LF)</i>	<i>Pipe or Culvert Extension (LF)</i>	<i>Rock Apron / Scour Protection (LF)</i>
S10 UNT to Maiden Creek	Scour Protection	Station 472+24			10'	5'
	Culvert Extension				6'5" RC Box	R-6 Material
S202 UNT to Maiden Creek	Pipe Replacement	Station 492+98		52' 18" RCP		15' R-4 Material
S3 UNT to Maiden Creek	Outlet Protection	Station 493+50				18' R-4 Material
S3C UNT to Maiden Creek	Pipe Liner	Station 496+75	175'		10'	
	Culvert Extension		48" Liner		48" RCP	
	Rock Channel					
S3 UNT to Maiden Creek	Culvert Extension	Station 508+75			56'	TBD
					12' RC Box	R-6 Material
S12 UNT to Mill Creek	Pipe Liner	Station 578+90	168'		90'	74'
	Culvert Extension		6' RC Box		6' RC Box	R-6 Material
S12A UNT to Mill Creek	Fill	Station 578+50 to Station 579+52				10' R-6 Material
S201 UNT to Mill Creek	Culvert Extension	Station 629+98			89' 30" RCP	30' R-4 Material
S14 UNT to Mill Creek	Culvert Extension Channel Realignment	Station 690+78			137' 34.6" RC Arch	
Totals			468'	196'	460'	172'+

I-78 Section 12M Floodplain Impacts

<i>Watercourse</i>	<i>Approximate Location</i>	<i>Watercourse Classification</i>	<i>Permanent Impact Area Acre</i>	<i>Permanent Impact Area Square Feet</i>
S3 UNT to Maiden Creek	Station 329+00 RT	Perennial	0.15	6,534
	Station 331+50 RT		0.58	25,265
	Station 332+50 LT		0.31	13,504
	Station 337+00 LT		0.04	1,742
	Station 341+75 LT		0.02	871
	Station 369+00 LT		0.48	20,909
	Station 373+00 LT		0.20	8,712
	Station 387+00 LT		0.05	2,178
	Station 421+00 LT		0.01	436
	Station 423+00 LT		0.03	1,307
	Station 494+00 RT		0.03	1,307
	Station 509+00 LT		0.11	4,792
	Station 508+00 RT		0.14	6,098
S3B UNT to Maiden Creek	Station 511+00 LT		0.02	871
S6 UNT to Maiden Creek	Station 393+50 RT	Perennial	0.15	6,534
S9 UNT to Maiden Creek	Station 463+84	Perennial	0.09	3,920
S3C UNT to Maiden Creek	Station 496+75 LT	Perennial	0.06	2,614

<i>Watercourse</i>	<i>Approximate Location</i>	<i>Watercourse Classification</i>	<i>Permanent Impact Area Acre</i>	<i>Permanent Impact Area Square Feet</i>
S12 UNT to Mill Creek	Station 576+00 RT	Perennial	0.56	24,394
	Station 580+00 LT		0.24	10,454
S14 UNT to Mill Creek	Station 692+00 RT	Perennial	1.36	59,242
S15 Mill Creek	Station 718+00 RT	Perennial	0.07	3,049
Totals			4.70	204,732

Wetland mitigation of approximately 2.56 acres is proposed. The project is located on SR 0078 Section 01B in Maxatawny and Greenwich Townships, Berks County (Latitude: 40.576°; Longitude: -75.885°). Issued June 7, 2018.

WATER QUALITY CERTIFICATIONS

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

WQ06-002, RH Energytrans, LLC (Applicant), 558 West Sixth Street, Suite 200, Erie, PA 16507. Risberg Line (Project), in Washington, Elk Creek, Conneaut, and Springfield Townships in **Erie County** and East Fairfield, East Mead, Woodcock, Cambridge, Venango, and Cussewago Townships in **Crawford County**, ACOE Pittsburgh District. The proposed Pennsylvania portion of the project starts at the interconnection/tie-in at the existing Tennessee Gas Pipeline 200 Line along Harvey Road, approximately 0.7 mile northeast of SR 322 (Cochran, PA Quadrangle N: 41.544658°; W: 80.068591°) in East Fairfield Township, Crawford County, extending generally north and west crossing through portions of East Fairfield, East Mead, Woodcock, Cambridge, Venango, and Cussewago Townships in Crawford County and Washington, Elk Creek, Conneaut, and Springfield Townships in Erie County, to where it will cross the Ohio border approximately 0.6 mile south of where Interstate 90 crosses the State line (Conneaut, OH Quadrangle N: 41.928212°; W: 80.519379°) in Springfield Township, Erie County.

On October 16, 2017, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP18-6). The FERC documents may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP18-6).

On January 8, 2018, Applicant requested a State water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed in Pennsylvania, includes the conversion of approximately 26.6 miles of existing 12-inch natural gas gathering pipeline to transmission pipeline [from N:41.544658°; W:80.068591° to N:41.855941°; W:80.187377°], the conversion of approximately 5 miles of existing 8-inch natural gas gathering pipeline to transmission pipeline [from N:41.855941°; W:80.187377° to N:41.858780°; W:80.282057°], and the construction of approximately 16.7 miles of new 12-inch transmission pipeline [from N:41.858780°; W:80.282057° to N:41.928212°; W:80.519379°] for the purpose of transporting natural gas from East Fairfield Township, Crawford County, PA to the Ohio border in Springfield Township,

Erie County. The Project also includes the construction of an additional 11.8 miles of new 12-inch natural gas transmission pipeline from the PA-OH border west to North Kingsville, OH [N:41.907349°; W:80.689399°], but this portion of the Project will not be authorized by PADEP. Pipeline work also includes modification of two existing compressor stations, cathodic protection, and numerous temporary access roads and staging areas to support construction and facility access. Numerous stream and wetland crossings will occur along the project route as described below. The new construction portion of the pipeline route has been co-located to parallel/overlap existing utility and road ROWs for a total of 10.78 miles in PA.

The Project, as proposed, will require approximately 146 acres of earth disturbance (143 acres in Erie County; 3 acres in Crawford County), the crossing of 58 streams (including floodways of streams not crossed by the pipeline) resulting in 1,159 linear feet of temporary impact and 4,236 linear feet of permanent impacts to the following surface waters: Turkey Creek (CWF) and tributaries; Raccoon Creek (CWF) and tributaries; East Branch Conneaut Creek (CWF) and tributaries, tributaries to Crooked Creek (HQ-CWF), tributaries to Conneaut Creek (CWF), and tributaries to Temple Creek (CWF); 11.258 acres of temporary wetland impact; 10.078 acres of permanent wetland impacts. All crossings will be installed by open trench, with the exception of East Branch Conneaut Creek, which will be installed by conventional bore.

PADEP published a notice of its proposed State water quality certification 48 Pa.B. 1213 (March 3, 2018) and received two sets of comments from the public. PADEP has reviewed the comments received and determined that the comments would be addressed through the reviews of the permit applications for the project to the extent that they are applicable.

PADEP certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Discharge Permit*—As appropriate, the applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of industrial wastewater and/or contami-

nated industrial stormwater from the compressor stations pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

3. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control Permit for Earth Disturbance issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

4. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project and transfer any existing Chapter 105 permits associated with the conversion of existing gathering pipelines to transmission pipelines pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

9. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Northwest Regional Office, Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

10. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require

additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

11. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

12. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

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-2 # ESX17-005-0003
Applicant Name Snyder Bros, Inc
Contact Person Carl Rose
Address P.O. Box 1022
City, State, Zip Kittaning, PA 16201
County Armstrong County
Township(s) East Franklin Township
Receiving Stream(s) and Classification(s) Trib 47106 to Limestone Run (WWF) and Limestone Run (WWF)

ESCGP-2 # ESX13-003-0007 Renewal
 Applicant Name MarkWest Liberty Midstream & Resources LLC
 Contact Person Rick Lowry
 Address 4600 J. Barry Court, Suite 500
 City, State, Zip Canonsburg, PA 15317
 County Allegheny County & Beaver County
 Township(s) Findlay Township (Allegheny County) & Independence Township (Beaver County)
 Receiving Stream(s) and Classification(s) UNT to Potato Garden Run (WWF) and Potato Garden Run (WWF)

ESCGP-2 # ESX10-125-0091 Renewal
 Applicant Name Range Resources—Appalachia, LLC
 Contact Person Karl Matz
 Address 3000 Town Center Boulevard
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) Hanover Township
 Receiving Stream(s) and Classification(s) UNTs to Robinson Run (WWF), Cherry Run (WWF), Raccoon Creek (WWF)

ESCGP-2 # ESX17-129-0004 Major Modification
 Applicant Name Huntley & Huntley Energy Exploration, LLC
 Contact Person Brian Dillemath
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 County Westmoreland County
 Township(s) Upper Burrell Township
 Receiving Stream(s) and Classification(s) UNTs to Chartiers Run (TSF), Chartiers Run (TSF)

ESCGP-2 # ESX17-007-0008 Major Modification
 Applicant Name MarkWest Liberty Midstream & Resources LLC
 Contact Person Rick Lowry
 Address 4600 J. Barry Court, Suite 500
 City, State, Zip Canonsburg, PA 15317
 County Beaver County
 Township(s) Independence Township (Beaver County)
 Receiving Stream(s) and Classification(s) UNTs to Raccoon Creek (WWF) and Little Traverse Creek (WWF)

ESCGP-2 # ESX18-059-0012
 Applicant Name EQT Production Company
 Contact Person Todd Klaner
 Address 2400 Ansys Drive, Suite 200
 City, State, Zip Canonsburg, PA 15317
 County Greene County
 Township(s) Washington Township
 Receiving Stream(s) and Classification(s) UNTs to Ruff Creek (WWF), UNTs to Craynes Run (WWF), and Craynes Run (WWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX17-007-0014—PER B50 Well Pad
 Applicant PennEnergy Resources, LLC
 Contact Gregg Stewart
 Address 1000 Commerce Drive, Park Place One, Suite 400
 City Pittsburgh State PA Zip Code 15275
 County Beaver Township(s) Economy
 Receiving Stream(s) and Classification(s) UNTs to Big Sewickley Creek TSF

ESCGP-2 # ESG17-019-0021—Butler North Permanent Water Line
 Applicant EM Energy PA, LLC
 Contact Hugh Caperton

Address 1800 Main Street # 220
 City Canonsburg State PA Zip Code 15317
 County Butler Township(s) Allegheny, Concord, Parker & Washington
 Receiving Stream(s) and Classification(s) Bear Creek, North Branch Bear Creek, Slippery Rock Creek, Connoquenessing Creek, Christy Run, South Branch, Slippery Rock Creek, Silver Creek

ESCGP-2 # ESG18-019-0005—PER W60 Well Pad
 Applicant PennEnergy Resources, LLC
 Contact Mr. Gregg Stewart
 Address 1000 Commerce Drive, Park Place One, Suite 400
 City Pittsburgh State PA Zip Code 15275
 County Butler Township(s) Winfield
 Receiving Stream(s) and Classification(s) UNT to Buffalo Creek/Bufalo Creek—Allegheny River Cornplanter Run/Bufalo Creek—Allegheny River

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESG29-117-18-0009
 Applicant Name Repsol Oil & Gas USA LLC
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Covington
 Receiving Stream(s) and Classification(s) East Ck (EV)

ESCGP-2 # ESX29-015-18-0008
 Applicant Name SWN Production Co LLC
 Contact Person Nicki Atkinson
 Address 917 SR 92 N
 City, State, Zip Tunkhannock, PA 18657
 County Bradford
 Township(s) Herrick
 Receiving Stream(s) and Classification(s) UNT to Cold Ck (WWF/MF)
 Secondary—Cold Ck

ESCGP-2 # ESX29-015-18-0025
 Applicant Name EOG Resources Inc
 Contact Person Jon Jorgenson
 Address 2039 S Sixth St
 City, State, Zip Indiana, PA 15701
 County Bradford
 Township(s) Smithfield
 Receiving Stream(s) and Classification(s) UNT to Tomjack Ck (TSF)
 Secondary—Tomjack Ck

ESCGP-2 # ESX29-115-18-0013
 Applicant Name Cabot Oil & Gas Corp
 Contact Person John Smelko
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Springville
 Receiving Stream(s) and Classification(s) UNT to Meshoppen Ck & Meshoppen Ck (CWF-MF)

ESCGP-2 # ESX13-115-0120(01)
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey Deegan
 Address 1720 Sycamore Rd
 City, State, Zip Montoursville, PA 17754-9306
 County Susquehanna
 Township(s) Lathrop
 Receiving Stream(s) and Classification(s) UNT to Horton Ck (CWF-MF)

ESCGP-2 # ESX29-115-18-0033
 Applicant Name SWN Production Co LLC
 Contact Person Nicki Atkinson
 Address 917 SR 92 N
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Rush
 Receiving Stream(s) and Classification(s) Wyalusing Ck
 (WWF-MF)

ESCGP-2 # ESX29-115-18-0027
 Applicant Name SWN Production Co LLC
 Contact Person Nicki Atkinson
 Address 917 SR 92 N
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Liberty & Silver Lake
 Receiving Stream(s) and Classification(s) UNT to Little
 Rhiney Ck (CWF-MF)

ESCGP-2 # ESG29-115-18-0032
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Jessup
 Receiving Stream(s) and Classification(s) S Branch
 Wyalusing Ck (WWF-MF) and UNT thereto; E Branch
 Wyalusing Ck (CWF-MF)

ESCGP-2 # ESX11-015-0237(04)
 Applicant Name Appalachia Midstream Svcs, LLC
 Contact Person Josh Brown
 Address 400 IST Center, Suite 404
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Asylum
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River (WWF-MF)
 Secondary—Susquehanna River

ESCGP-2 # ESX29-015-18-0023
 Applicant Name Repsol Oil & Gas USA, LLC
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia, Springfield & Troy
 Receiving Stream(s) and Classification(s) UNT to N
 Branch Sugar Ck (TSF-MF)
 Secondary—N Branch Sugar Ck

ESCGP-2 # ESX29-117-18-0011
 Applicant Name Repsol Oil & Gas USA, LLC
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Covington & Hamilton
 Receiving Stream(s) and Classification(s) East Ck (EV);
 Coal Ck (CWF)

[Pa.B. Doc. No. 18-966. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents 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 Technical Guidance Documents

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 Technical Guidance Documents: Minor Revisions

DEP ID: 391-0400-001. **Title:** Pennsylvania Capability Enhancement Strategy. **Description:** The referenced technical guidance document was revised to update its document number which was formerly 383-0400-114.

Contact: Questions regarding this document may be directed to Kevin Anderson at keanderson@pa.gov or (717) 783-9764, or to Ed Chescattie at echescatti@pa.gov or (717) 772-2184.

Effective Date: June 23, 2018.

DEP ID: 391-3120-001. **Title:** Guidance for Filter Plant Performance Evaluations. **Description:** This technical guidance document was revised to update its document number which was formerly 383-3120-106. The guidance for Filter Plant Performance Evaluations was also revised to correct a typographical error, update the name of the Bureau of Water Supply to the Bureau of Safe Drinking Water and to change the source for information on electronic Disinfection Profiling from an old United States Environmental Protection Agency web site to the Bureau of Safe Drinking Water Technical Assistance Section.

Contact: Questions regarding this document may be directed to Kevin Anderson at keanderson@pa.gov or (717) 783-9764, or to Ed Chescattie at echescatti@pa.gov or (717) 772-2184.

Effective Date: June 23, 2018.

PATRICK McDONNELL,
 Secretary

[Pa.B. Doc. No. 18-967. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations; Corrections

The Department of Environmental Protection (Department) announces corrections to errors in the 2018 bond rate guidelines as they were published at 48 Pa.B. 1899 (March 31, 2018) for anthracite and bituminous coal mining operations under Table 1 Standard Bond Rate Guidelines for Year 2018. The revised guidelines are lower than those previously published. The Mobilization/Demobilization Unit Costs were listed as 5% of direct costs when the rate should have been 4%. The Stage 3 Maintenance Bond Cropland Area-Row Crops Unit Costs were listed as \$2,500 when the rate should have been \$880. The Stage 3 Mobilization Unit Cost should have been listed as \$2,500. These rates are retroactive to April 1, 2018, and apply to all bond calculations made after that date.

The authority for bonding coal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations.

The procedures for calculating land reclamation bonds are described in Technical Guidance Document 563-2504-001, “Conventional Bonding for Land Reclamation—Coal,” which is available on the Department’s web site at <http://www.eLibrary.dep.state.pa.us>. The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2013—2017, resulting in a rate of 1.10%. This rate of inflation will be used in calculating bond amounts for permit renewal or permit midterm bond liability reviews on or after April 1, 2018.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

General Methodology

The Department developed the bond rate guidelines for 2018 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998—2017. For most categories, a 3-year (2015—2017) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2014—2017 that included selective grading. Therefore, a multiyear average of available data was used for the 2018 selective grading bond rate.

In general, the costs for a given unit operation for each year are determined using the weighted average of the three lowest total bids for each contract. However, grading costs are calculated using a frequency distribution in combination with the weighted averages.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1 or 2, then any additional cost information available may be used. If enough data is still not available, the rate may be set from a standard reference like *Means Building Construction Cost Data* or *Walker’s Building Estimator’s Reference Book*. Occasionally, specific unit costs may be adjusted using information provided by the Bureau of Abandoned Mine Reclamation (BAMR) and other stakeholders.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2018.

The bond rate guidelines are available electronically at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Bonding/Pages/BondRates.aspx>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Mine Sealing Costs

The mine sealing bond rate guidelines are presented in Table 2. Mine sealing and borehole sealing bond rate guidelines remain the same for 2018.

Effective Date

The bond rate guidelines in this notice are retroactive to April 1, 2018, and apply to all bond calculations made after that date.

TABLE 1

Standard Bond Rate Guidelines for Year 2018

Unit Operation	Unit Measure	Unit Costs (\$)
Mobilization/Demobilization	Job	4% of Direct Costs or \$40,000, Whichever is Less
Grading (< 500-foot push)	Cubic Yard	0.85
Grading (≥ 500-foot push/haul)	Cubic Yard	1.55
Selective Grading	Acre	1,700.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Revegetation	Acre	2,000.00
Tree Planting	Tree	0.75
Ditch Excavation	Cubic Yard	6.70
Jute Matting	Square Yard	1.90
High Velocity Erosion Control	Square Yard	3.00
AASHTO No. 1	Ton	23.00
AASHTO No. 57	Ton	33.00
R3 Rock Lining	Square Yard	31.00
R4 Rock Lining	Square Yard	36.00
R5 Rock Lining	Square Yard	37.00
Geotextile/Filter Fabric	Square Yard	2.40
Subsurface Drain	Lineal Foot	24.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump Sum (5% of Direct Costs for Site)
Pond Removal Active Phase ¹	Pond	3,800.00
Stage 3 Maintenance Bond Non-Cropland Areas (Land Uses where Crop Yields are Not Required)	Acre	100.00
Stage 3 Maintenance Bond Cropland (Not Row Crops) Pastureland or Land Occasional Cut for Hay (Excludes Seed Cost)	Acre	610.00
Stage 3 Maintenance Bond Cropland Area—Row Crops (Includes Seed Cost)	Acre	880.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic Yards (Embankment Volume) Plus Top Soiling and Revegetation Cost	Use < 500 Grading for Pond Embankment Volume Plus Top Soiling and Revegetation Cost for the Area Disturbed
Ditch Removal—Stage 3	Lineal Foot	0.75
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs Will be Calculated Using Costs Listed in the Construction Industry's Latest Annual Cost Publications, such as <i>Means Building Construction Cost Data</i>	

TABLE 2

Mine Sealing Bond Rate Guidelines for Year 2018

<i>Sealing Bituminous Underground Mine Drift and Slope Openings</i>		
<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic Yard	128.00
Masonry Work	Square Foot	11.00
Fill Material and Earthwork ²	Cubic Yard	23.00
Security Fencing	Lineal Foot	29.00
Mobilization Cost	Job	5% of Total Amount
<i>Sealing Bituminous Underground Mine Shaft Openings</i>		
Concrete Material	Cubic Yard	96.00
Aggregate Material	Cubic Yard	27.00
Fill Material and Earthwork ²	Cubic Yard	4.00
Security Fencing	Lineal Foot	29.00
Mobilization Cost	Job	5% of Total Amount

<i>Sealing Boreholes at Bituminous Underground Mines</i>		
<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$) Per Lineal Foot</i>
12-Inch or Less Diameter	1,500	5.50
Larger than 12-Inch Diameter	2,000	5.50

¹ Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

² Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publication, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

TABLE 3

Land Maintenance Financial Guarantee Fees for Year 2018

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	1,000.00
Administrative	300.00

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-968. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Nutrient Credit Trading Program; Certification Request

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

Credit Certification Request

The following request is being reviewed by the Department.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
TeamAg, Inc. on behalf of Lancaster Area Sewer Authority	This certification request is for nutrient reduction credits to be generated from continuous no-till, cover crops and grass buffers.

Written Comments

The Department will accept written comments on this proposed pollutant reduction activity for 30 days. The Department will accept comments through Monday, July 23, 2018. Commentators can view submitted materials and are encouraged to submit electronic comments using the Department's eComment site at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "LASA" as the subject line in written communication.

For further information about this action or the Trading Program contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection,

P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, RA-EPPANutrientTrad@pa.gov or visit the Department's web site at www.dep.pa.gov/nutrient_trading.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-969. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee (Committee) meeting scheduled for July 11, 2018, has been cancelled. The next Committee meeting is scheduled for Wednesday, September 19, 2018, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street Harrisburg, PA.

Questions concerning the September 19, 2018, meeting should be directed to Diane Wilson, Bureau of Clean Water at diawilson@pa.gov or (717) 787-3730. The agenda and materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov/publicparticipation.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-970. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, July 11, 2018, and Thursday, July 12, 2018, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information, or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Cynthia Findley, Bureau Director, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572, or for speech and/or hearing impaired persons call V/TT at (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-971. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140) (35 P.S. § 6204), will hold its quarterly public meeting on Friday, July 20, 2018, from 10 a.m. to 1 p.m. in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Tara Trego, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717)

772-2762, or for speech and/or hearing impaired persons, call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-972. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2018, through September 30, 2018, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.35
Beans/Peas—Dry—16 oz.....	\$2.18
Canned Fish—Pink Salmon.....	\$2.20
Canned Fish—Sardines.....	\$1.50
Canned Fish—Tuna.....	\$1.29
Cereal (per oz.).....	\$0.33
Cheese—16 oz.....	\$7.31
Eggs.....	\$2.35
Infant Cereal—8 oz.....	\$2.55
Infant Fruits, 100%—4 oz.....	\$1.07
Infant Vegetables, 100%—4 oz.....	\$1.07
Infant Meats, 100%—2.5 oz.....	\$1.16
Juice—11.5/12 oz.....	\$2.56
Juice—48 oz.....	\$3.25
Juice—64 oz.....	\$3.99
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.27
Milk, Dry—25.6 oz.....	\$9.55
Milk, Evaporated—12 oz.....	\$1.53
Milk, Lowfat and 2%—quart.....	\$1.36
Milk, Lowfat and 2%—1/2 gallon.....	\$2.29
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.32
Milk, Lowfat and 2% Lactose Free—1/2 gallon...	\$3.99
Milk, Whole—quart.....	\$1.45
Milk, Whole—1/2 gallon.....	\$2.29

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Whole Lactose Free—quart	\$2.57
Milk, Whole Lactose Free—1/2 gallon	\$4.09
Peanut Butter—16—18 oz.	\$3.29
Soy Beverage—Pacific Natural Foods—32 oz.	\$3.29
Soy Beverage—8th Continent—64 oz.	\$3.59
Tofu—16 oz.	\$2.57
Whole Grain—Bread—16 oz.	\$3.49
Whole Grain—Bread—24 oz.	\$3.95
Whole Grain—Brown Rice—16 oz.	\$1.80
Whole Grain—Brown Rice—24 oz.	\$3.32
Whole Grain—Oats—16 oz.	\$2.44
Whole Grain—Oats—24 oz.	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.57
Whole Wheat Pasta	\$1.37
Yogurt Nonfat	\$3.10
Yogurt Lowfat	\$3.10
Yogurt Wholefat	\$3.20
Boost RTF Formula—8 oz.	\$1.79
EnfaCare RTF Formula—32 oz.	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.00
Nutramigen Concentrate Formula—13 oz.	\$7.59
Nutramigen RTF Formula—32 oz.	\$10.39
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$26.40
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$1.95
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.15
Similac Advance RTF Formula—Blue—32 oz.	\$7.65
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.06
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.39
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$7.99
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.95
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.29
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.49
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.05
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$16.69
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.49
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$16.59
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.51
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.09
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.69
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.69

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, July 1, 2018, through September 30, 2018, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.29
Beans/Peas—Dry—16 oz.	\$1.98
Canned Fish—Pink Salmon	\$2.19
Canned Fish—Sardines	\$1.43
Canned Fish—Tuna	\$1.19
Cereal (per oz.)	\$0.31
Cheese—16 oz.	\$6.84
Eggs	\$2.29
Infant Cereal—8 oz.	\$2.44
Infant Fruits, 100%—4 oz.	\$0.94
Infant Vegetables, 100%—4 oz.	\$0.94
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.	\$2.39
Juice—48 oz.	\$3.10
Juice—64 oz.	\$3.59
Kosher Cheese—16 oz.	\$7.79
Kosher Lowfat Milk—1/2 gallon	\$3.15
Kosher Whole Milk—1/2 gallon	\$3.19
Milk, Lowfat—1/2 gallon	\$2.15
Milk, Whole—1/2 gallon	\$2.22
Peanut Butter—16—18 oz.	\$3.20
Whole Grain—Bread—16 oz.	\$3.35
Whole Grain—Brown Rice—16 oz.	\$1.69
Whole Grain—Oats—16 oz.	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.43
Whole Wheat Pasta	\$1.35
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.15
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.06
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.51
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.69

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2018, through September 30, 2018, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.45
Beans/Peas—Dry—16 oz.	\$2.26
Canned Fish—Pink Salmon	\$2.26
Canned Fish—Sardines	\$1.59
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese—16 oz.	\$7.33
Eggs	\$2.45

<i>Description</i>	<i>Maximum Allowable Price</i>
Infant Cereal—8 oz.	\$2.65
Infant Fruits, 100%—4 oz.	\$1.10
Infant Vegetables, 100%—4 oz.	\$1.10
Infant Meats, 100%—2.5 oz.	\$1.22
Juice—11.5/12 oz.	\$2.71
Juice—48 oz.	\$3.39
Juice—64 oz.	\$4.28
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.46
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.63
Milk, Lowfat and 2%—quart	\$1.42
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.19
Milk, Whole—quart	\$1.50
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.66
Milk, Whole Lactose Free—1/2 gallon	\$4.29
Peanut Butter—16—18 oz.	\$3.49
Soy Beverage—Pacific Natural Foods—32 oz.	\$3.35
Soy Beverage—8th Continent—64 oz.	\$3.69
Tofu—16 oz.	\$2.62
Whole Grain—Bread—16 oz.	\$3.55
Whole Grain—Bread—24 oz.	\$4.00
Whole Grain—Brown Rice—16 oz.	\$1.95
Whole Grain—Brown Rice—24 oz.	\$3.39
Whole Grain—Oats—16 oz.	\$2.55
Whole Grain—Oats—24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.59
Whole Wheat Pasta	\$1.64
Yogurt Nonfat	\$3.15
Yogurt Lowfat	\$3.15
Yogurt Wholefat	\$3.25
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.04
Nutramigen Concentrate Formula—13 oz.	\$7.65
Nutramigen RTF Formula—32 oz.	\$10.49
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$26.45
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.15
Pediasure Sidekicks RTF Formula—8 oz.	\$2.04
Similac Advance Concentrate—Blue Formula— 13 oz.	\$5.20
Similac Advance RTF—Blue Formula—32 oz.	\$7.75
Similac Advance Powder—Blue Formula— 12.4 oz.	\$16.18
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.09
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.07
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.49

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.55
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.15
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$16.99
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.70
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$16.79
Similac Soy Isomil Concentrate—Pink Formula— 13 oz.	\$5.69
Similac Soy Isomil RTF—Pink Formula—32 oz.	\$8.29
Similac Soy Isomil Powder—Pink Formula— 12.4 oz.	\$16.99
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2018, through September 30, 2018, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.49
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.32
Cheese—16 oz.	\$6.86
Eggs	\$2.39
Infant Cereal—8 oz.	\$2.50
Infant Fruits, 100%—4 oz.	\$0.99
Infant Vegetables, 100%—4 oz.	\$0.99
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.52
Juice—48 oz.	\$3.17
Juice—64 oz.	\$3.85
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.19
Milk, Whole—1/2 gallon	\$2.25
Peanut Butter—16—18 oz.	\$3.30
Whole Grain—Bread—16 oz.	\$3.39
Whole Grain—Brown Rice—16 oz.	\$1.79
Whole Grain—Oats—16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.45
Whole Wheat Pasta	\$1.60
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.20

<i>Description</i>	<i>Competitive Prices</i>
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.18
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.69
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.99

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2018, through September 30, 2018, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.47
Beans/Peas—Dry—16 oz.....	\$2.35
Canned Fish—Pink Salmon.....	\$2.30
Canned Fish—Sardines.....	\$1.65
Canned Fish—Tuna.....	\$1.40
Cereal (per oz.).....	\$0.36
Cheese—16 oz.....	\$7.35
Eggs.....	\$3.05
Infant Cereal—8 oz.....	\$2.70
Infant Fruits, 100%—4 oz.....	\$1.15
Infant Vegetables, 100%—4 oz.....	\$1.15
Infant Meats, 100%—2.5 oz.....	\$1.27
Juice—11.5/12 oz.....	\$2.76
Juice—48 oz.....	\$3.50
Juice—64 oz.....	\$4.37
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.30
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.55
Milk, Dry—25.6 oz.....	\$9.75
Milk, Evaporated—12 oz.....	\$1.70
Milk, Lowfat and 2%—quart.....	\$1.47
Milk, Lowfat and 2%—1/2 gallon.....	\$2.62
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.49
Milk, Lowfat and 2% Lactose Free—1/2 gallon.....	\$4.29
Milk, Whole—quart.....	\$1.57
Milk, Whole—1/2 gallon.....	\$2.69
Milk, Whole Lactose Free—quart.....	\$2.76
Milk, Whole Lactose Free—1/2 gallon.....	\$4.39
Peanut Butter—16—18 oz.....	\$3.59
Soy Beverage—Pacific Natural Foods—32 oz.....	\$3.45
Soy Beverage—8th Continent—64 oz.....	\$3.86
Tofu—16 oz.....	\$2.72
Whole Grain—Bread—16 oz.....	\$3.63
Whole Grain—Bread—24 oz.....	\$4.07
Whole Grain—Brown Rice—16 oz.....	\$2.09
Whole Grain—Brown Rice—24 oz.....	\$3.59
Whole Grain—Oats—16 oz.....	\$2.70
Whole Grain—Oats—24 oz.....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.....	\$2.64
Whole Wheat Pasta.....	\$2.17

<i>Description</i>	<i>Maximum Allowable Price</i>
Yogurt Nonfat.....	\$3.20
Yogurt Lowfat.....	\$3.20
Yogurt Wholefat.....	\$3.30
Boost RTF Formula—8 oz.....	\$1.89
EnfaCare RTF Formula—32 oz.....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$18.81
Nutramigen Concentrate Formula—13 oz.....	\$7.69
Nutramigen RTF Formula—32 oz.....	\$10.59
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$26.55
Pediasure RTF Formula—8 oz.....	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.40
Pediasure Sidekicks RTF Formula—8 oz.....	\$2.16
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.35
Similac Advance RTF Formula—Blue—32 oz.....	\$7.85
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.97
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$10.69
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$29.19
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$8.29
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$9.24
Similac Expert Care NeoSure Powder Formula—13.1 oz.....	\$18.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.....	\$23.29
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$8.29
Similac for Spit Up Powder Formula—Green— 12.0 oz.....	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz..	\$8.19
Similac Sensitive Powder Formula—Orange— 12.0 oz.....	\$16.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$8.49
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$17.19
Similac Total Comfort Powder Formula—Purple— 12.0 oz.....	\$17.29

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2018, through September 30, 2018, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.39
Beans/Peas—Dry—16 oz.....	\$2.12
Canned Fish—Pink Salmon.....	\$2.29
Canned Fish—Sardines.....	\$1.54

<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.34
Cheese—16 oz.	\$6.88
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.55
Infant Fruits, 100%—4 oz.	\$1.02
Infant Vegetables, 100%—4 oz.	\$1.02
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.57
Juice—48 oz.	\$3.39
Juice—64 oz.	\$4.00
Kosher Cheese—16 oz.	\$8.30
Kosher Lowfat Milk—1/2 gallon	\$3.29
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16—18 oz.	\$3.40
Whole Grain—Bread—16 oz.	\$3.45
Whole Grain—Brown Rice—16 oz.	\$2.05
Whole Grain—Oats—16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.35
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.97
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.19

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2018, through September 30, 2018, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.38
Beans/Peas—Dry—16 oz.	\$2.20
Canned Fish—Pink Salmon	\$2.27
Canned Fish—Sardines	\$1.60
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese—16 oz.	\$7.45
Eggs	\$2.45
Infant Cereal—8 oz.	\$2.62
Infant Fruits, 100%—4 oz.	\$1.09
Infant Vegetables, 100%—4 oz.	\$1.09
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.65
Juice—48 oz.	\$3.34
Juice—64 oz.	\$4.05
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.43
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.59
Milk, Lowfat and 2%—quart	\$1.40
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.09
Milk, Whole—quart	\$1.52
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.65
Milk, Whole Lactose Free—1/2 gallon	\$4.19
Peanut Butter—16—18 oz.	\$3.40
Soy Beverage—Pacific Natural Foods—32 oz.	\$3.35
Soy Beverage—8th Continent—64 oz.	\$3.65
Tofu—16 oz.	\$2.61
Whole Grain—Bread—16 oz.	\$3.55
Whole Grain—Bread—24 oz.	\$3.99
Whole Grain—Brown Rice—16 oz.	\$1.95
Whole Grain—Brown Rice—24 oz.	\$3.39
Whole Grain—Oats—16 oz.	\$2.52
Whole Grain—Oats—24 oz.	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.59
Whole Wheat Pasta	\$1.47
Yogurt Nonfat	\$3.15
Yogurt Lowfat	\$3.15
Yogurt Wholefat	\$3.25
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.24
Nutramigen Concentrate Formula—13 oz.	\$7.63
Nutramigen RTF Formula—32 oz.	\$10.45
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$26.60
Pediasure RTF Formula—8 oz.	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.	\$2.15
Pediasure Sidekicks RTF Formula—8 oz.	\$1.99
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.30
Similac Advance RTF Formula—Blue—32 oz.	\$7.69
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.39
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.09
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.09
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$18.59
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.17
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.09
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$17.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.79
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$16.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.61
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.29

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.05
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2018, through September 30, 2018, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.30
Beans/Peas—Dry—16 oz.....	\$2.10
Canned Fish—Pink Salmon.....	\$2.25
Canned Fish—Sardines.....	\$1.48
Canned Fish—Tuna.....	\$1.30
Cereal (per oz.).....	\$0.32
Cheese—16 oz.....	\$6.91
Eggs.....	\$2.39
Infant Cereal—8 oz.....	\$2.49
Infant Fruits, 100%—4 oz.....	\$0.98
Infant Vegetables, 100%—4 oz.....	\$0.98
Infant Meats, 100%—2.5 oz.....	\$1.19
Juice—11.5/12 oz.....	\$2.45
Juice—48 oz.....	\$3.16
Juice—64 oz.....	\$3.66
Kosher Cheese—16 oz.....	\$7.89
Kosher Lowfat Milk—1/2 gallon.....	\$3.19
Kosher Whole Milk—1/2 gallon.....	\$3.25
Milk, Lowfat—1/2 gallon.....	\$2.29
Milk, Whole—1/2 gallon.....	\$2.35
Peanut Butter—16—18 oz.....	\$3.29
Whole Grain—Bread—16 oz.....	\$3.39
Whole Grain—Brown Rice—16 oz.....	\$1.79
Whole Grain—Oats—16 oz.....	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.....	\$2.50
Whole Wheat Pasta.....	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.30
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.61
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$17.05

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2018, through September 30, 2018, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.45
Beans/Peas—Dry—16 oz.....	\$2.30
Canned Fish—Pink Salmon.....	\$2.30
Canned Fish—Sardines.....	\$1.72
Canned Fish—Tuna.....	\$1.40
Cereal (per oz.).....	\$0.36
Cheese—16 oz.....	\$7.55
Eggs.....	\$2.65
Infant Cereal—8 oz.....	\$2.76
Infant Fruits, 100%—4 oz.....	\$1.11
Infant Vegetables, 100%—4 oz.....	\$1.11
Infant Meats, 100%—2.5 oz.....	\$1.27
Juice—11.5/12 oz.....	\$2.76
Juice—48 oz.....	\$3.53
Juice—64 oz.....	\$4.34
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.50
Milk, Dry—25.6 oz.....	\$9.75
Milk, Evaporated—12 oz.....	\$1.65
Milk, Lowfat and 2%—quart.....	\$1.44
Milk, Lowfat and 2%—1/2 gallon.....	\$2.42
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.50
Milk, Lowfat and 2% Lactose Free—1/2 gallon.....	\$4.25
Milk, Whole—quart.....	\$1.57
Milk, Whole—1/2 gallon.....	\$2.59
Milk, Whole Lactose Free—quart.....	\$2.70
Milk, Whole Lactose Free—1/2 gallon.....	\$4.35
Peanut Butter—16—18 oz.....	\$3.56
Soy Beverage—Pacific Natural Foods—32 oz.....	\$3.40
Soy Beverage—8th Continent—64 oz.....	\$3.85
Tofu—16 oz.....	\$2.68
Whole Grain—Bread—16 oz.....	\$3.59
Whole Grain—Bread—24 oz.....	\$4.05
Whole Grain—Brown Rice—16 oz.....	\$1.99
Whole Grain—Brown Rice—24 oz.....	\$3.69
Whole Grain—Oats—16 oz.....	\$2.88
Whole Grain—Oats—24 oz.....	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.....	\$2.64
Whole Wheat Pasta.....	\$1.74
Yogurt Nonfat.....	\$3.20
Yogurt Lowfat.....	\$3.20
Yogurt Wholefat.....	\$3.30
Boost RTF Formula—8 oz.....	\$1.91
EnfaCare RTF Formula—32 oz.....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$18.38
Nutramigen Concentrate Formula—13 oz.....	\$7.69
Nutramigen RTF Formula—32 oz.....	\$10.55
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$27.00
Pediasure RTF Formula—8 oz.....	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.19
Pediasure Sidekicks RTF Formula—8 oz.....	\$2.07
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.55
Similac Advance RTF Formula—Blue—32 oz.....	\$7.79

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.49
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.59
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.49
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.14
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.40
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.19
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.89
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.20
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.29

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2018, through September 30, 2018, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.33
Beans/Peas—Dry—16 oz.	\$2.13
Canned Fish—Pink Salmon.	\$2.29
Canned Fish—Sardines	\$1.62
Canned Fish—Tuna	\$1.32
Cereal (per oz.)	\$0.34
Cheese—16 oz.	\$7.00
Eggs	\$2.49
Infant Cereal—8 oz.	\$2.62
Infant Fruits, 100%—4 oz.	\$1.00
Infant Vegetables, 100%—4 oz.	\$1.00
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.60
Juice—48 oz.	\$3.26
Juice—64 oz.	\$3.90
Kosher Cheese—16 oz.	\$8.00
Kosher Lowfat Milk—1/2 gallon.	\$3.25
Kosher Whole Milk—1/2 gallon	\$3.35

<i>Description</i>	<i>Competitive Prices</i>
Milk, Lowfat—1/2 gallon	\$2.35
Milk, Whole—1/2 gallon	\$2.39
Peanut Butter—16—18 oz.	\$3.39
Whole Grain—Bread—16 oz.	\$3.49
Whole Grain—Brown Rice—16 oz.	\$1.90
Whole Grain—Oats—16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.55
Whole Wheat Pasta	\$1.70
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.55
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.49
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.20

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2018, through September 30, 2018, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.54
Beans/Peas—Dry—16 oz.	\$2.40
Canned Fish—Pink Salmon.	\$2.49
Canned Fish—Sardines	\$1.75
Canned Fish—Tuna	\$1.50
Cereal (per oz.)	\$0.37
Cheese—16 oz.	\$7.70
Eggs	\$3.15
Infant Cereal—8 oz.	\$3.10
Infant Fruits, 100%—4 oz.	\$1.28
Infant Vegetables, 100%—4 oz.	\$1.28
Infant Meats, 100%—2.5 oz.	\$1.37
Juice—11.5/12 oz.	\$2.83
Juice—48 oz.	\$3.66
Juice—64 oz.	\$4.43
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.37
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.40
Milk, Dry—9.6 oz.	\$4.60
Milk, Dry—25.6 oz.	\$9.85
Milk, Evaporated—12 oz.	\$1.72
Milk, Lowfat and 2%—quart	\$1.59
Milk, Lowfat and 2%—1/2 gallon.	\$2.72
Milk, Lowfat and 2% Lactose Free—quart	\$2.53
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.35
Milk, Whole—quart	\$1.74
Milk, Whole—1/2 gallon	\$2.79
Milk, Whole Lactose Free—quart	\$2.79
Milk, Whole Lactose Free—1/2 gallon	\$4.45
Peanut Butter—16—18 oz.	\$3.68

<i>Description</i>	<i>Maximum Allowable Price</i>
Soy Beverage—Pacific Natural Foods—32 oz.	\$3.50
Soy Beverage—8th Continent—64 oz.	\$4.00
Tofu—16 oz.	\$2.75
Whole Grain—Bread—16 oz.	\$3.65
Whole Grain—Bread—24 oz.	\$4.10
Whole Grain—Brown Rice—16 oz.	\$2.45
Whole Grain—Brown Rice—24 oz.	\$3.79
Whole Grain—Oats—16 oz.	\$3.00
Whole Grain—Oats—24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.70
Whole Wheat Pasta	\$2.77
Yogurt Nonfat	\$3.25
Yogurt Lowfat	\$3.25
Yogurt Wholefat	\$3.35
Boost RTF Formula—8 oz.	\$2.04
EnfaCare RTF Formula—32 oz.	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.81
Nutramigen Concentrate Formula—13 oz.	\$8.19
Nutramigen RTF Formula—32 oz.	\$10.65
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$27.30
Pediasure RTF Formula—8 oz.	\$2.35
Pediasure w/Fiber RTF Formula—8 oz.	\$2.45
Pediasure Sidekicks RTF Formula—8 oz.	\$2.45
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.78
Similac Advance RTF Formula—Blue—32 oz.	\$7.99
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.99
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.79
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$30.19
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.79
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.34
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$18.79
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.45
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.59
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$18.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$8.29
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$17.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$6.25
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.54
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.19
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2018, through September 30, 2018, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.50
Beans/Peas—Dry—16 oz.	\$2.15
Canned Fish—Pink Salmon.	\$2.48
Canned Fish—Sardines	\$1.68
Canned Fish—Tuna	\$1.48
Cereal (per oz.)	\$0.35
Cheese—16 oz.	\$7.20
Eggs	\$3.09
Infant Cereal—8 oz.	\$2.96
Infant Fruits, 100%—4 oz.	\$1.15
Infant Vegetables, 100%—4 oz.	\$1.15
Infant Meats, 100%—2.5 oz.	\$1.35
Juice—11.5/12 oz.	\$2.70
Juice—48 oz.	\$3.47
Juice—64 oz.	\$4.20
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat Milk—1/2 gallon	\$3.35
Kosher Whole Milk—1/2 gallon	\$3.39
Milk, Lowfat—1/2 gallon	\$2.58
Milk, Whole—1/2 gallon	\$2.70
Peanut Butter—16—18 oz.	\$3.59
Whole Grain—Bread—16 oz.	\$3.55
Whole Grain—Brown Rice—16 oz.	\$2.40
Whole Grain—Oats—16 oz.	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas—16 oz.	\$2.60
Whole Wheat Pasta	\$2.70
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.78
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$6.25
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.19

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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. 18-973. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of Amendments to the Office of Developmental Programs' Consolidated, Person/Family Directed Support and Community Living Waivers

The Department of Human Services (Department) is making available for public review and comment the Office of Developmental Programs' proposed amendments to the Consolidated, Person/Family Directed Support (P/FDS) and Community Living waivers.

Background

Whenever substantive changes are made to an approved waiver, the Department must submit an amendment to the Centers for Medicare & Medicaid Services for approval. The Department proposes to amend the Consolidated, P/FDS and Community Living waivers effective November 1, 2018, as follows:

- Aligning eligibility requirements for individuals with autism, service definitions and provider qualification requirements in the Consolidated and P/FDS waivers with the Community Living waiver that was approved effective January 1, 2018.
- Transitioning rates for Transportation (per trip) to the Medical Assistance fee schedule effective January 1, 2019.
- Allowing relatives to provide Transportation (per trip) and adding transportation (per trip) as an available service through Organized Health Care Delivery Systems.

The proposed amendments to the Consolidated, P/FDS and Community Living waivers effective November 1, 2018, are available at http://dhs.pa.gov/provider/developmental_programs/waiveramendment2018/index.htm.

Fiscal Impact

It is anticipated that there will be an additional cost of \$166.382 million (\$73.639 million in State Funds) to the Commonwealth in Fiscal Year (FY) 2018-2019 and \$183.718 million (\$81.381 million in State Funds) in FY 2019-2020. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact is estimated.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendments. Comments should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120. Comments may also be submitted to the Department at RA-odpcomment@pa.gov. Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed waiver amendments.

The Department will also hold two webinars to receive comments on the proposed waiver amendments effective November 1, 2018. Dates, times and links for registration to attend these webinars are as follows:

- July 10, 2018
10 a.m. to 12 p.m.
- July 11, 2018
1 p.m. to 3 p.m.

To register for any of the previously listed webinars: <https://attendee.gotowebinar.com/rt/7003127497646413315>. Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. To assist the Department in accurately capturing comments provided during the webinars, individuals are asked to submit a written copy of their comments to a previously listed address.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Copies of this notice and waiver amendments may be obtained at the regional Office of Developmental Programs in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central Region:* P.O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1245. (1) General Fund; (2) Implementing Year 2018-19 is \$73,639,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$81,381,000; (4) 2017-18 Program—\$1,528,000; 2016-17 Program—\$1,349,000; 2015-16 Program—\$1,203,000; (7) Intellectual Disabilities—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-974. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments

The Department of Human Services (Department) is announcing its intent to allocate funding for Fiscal Year (FY) 2017-2018 disproportionate share hospital (DSH) payments to certain Medical Assistance (MA) enrolled acute care general hospitals that participate in an academic medical program.

The Department previously published notice of its intent to allocate funding for these DSH payments at 48 Pa.B. 1784 (March 24, 2018). Although the fiscal impact section in the notice correctly identified the amounts of the Department's allocation, the qualifying criteria have changed. The revised qualifying criteria are described as follows.

Qualifying Criteria

For a hospital to qualify for this DSH payment, it must meet all of the following criteria:

- a) The hospital is enrolled in the MA Program as an acute care general hospital and licensed to provide inpa-

tient obstetrical and neonatal services as reported by the Department of Health for the period from July 1, 2014, through June 30, 2015.

b) The hospital is located in a county with a population of less than 100,000 persons, based on the 2010 Census.

c) The hospital is accredited as an adult Level I Trauma Center by the Pennsylvania Trauma System Foundation during FY 2016-2017.

d) The hospital's ratio of total MA inpatient discharges to total inpatient discharges exceeds 20.0%, based on its State FY 2013-2014 MA-336 Hospital Cost Report available to the Department as of March 2018.

e) The hospital's ratio of MA revenue to net patient revenue exceeds 13.0%, based on the Pennsylvania Health Care Cost Containment Council's *Financial Analysis 2015, Volume One*.

Hospital Payment Determination

The determination of a hospital's payment amount for this class of DSH payments has not changed, except with respect to the source of the data used for the determination. A hospital's payment amount will be determined by the following:

1) Divide the hospital's MA inpatient discharges by the total MA inpatient discharges for all qualifying hospitals.

2) Multiply that share by the total amount allocated for these payments.

The data used for purposes of this determination will be obtained from the FY 2013-2014 MA-336 Hospital Cost Report.

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 2017-2018 impact, as a result of these payments, is \$7.265 million (\$3.500 million in State general funds and \$3.765 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-1250. (1) General Fund; (2) Implementing Year 2017-18 is \$3,500,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000; (7)

MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-975. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to County Nursing Facilities; Medical Assistance Day One Incentive Payments for the First Two Quarters of Fiscal Year 2017-2018

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified county nursing facility for the first and second quarters of Fiscal Year (FY) 2017-2018.

Payment Information

The Department made county nursing facility MDOI payments for July 1, 2017, through September 30, 2017, and October 1, 2017, through December 31, 2017, quarters of FY 2017-2018.

Payment information for the county nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemix/information/countymdoi/index.htm>.

Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1244. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-976. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2018-2019

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2018-2019 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2018-2019, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index (CMI) for the appropriate picture date.

In addition, as required by section 443.1(7)(iv) of the Human Services Code (62 P.S. § 443.1(7)(iv)), regarding MA payments for institutional care, the Department intends to adjust each facility's CMI-adjusted quarterly rate by multiplying the rate by a budget adjustment factor (BAF).

The Centers for Medicare & Medicaid Services (CMS) approved State Plan Amendment (SPA) 17-0011 on September 15, 2017, which includes the BAF formula the Department will use for nonpublic nursing facilities in FY 2018-2019. SPA 17-0011 states that for rate setting years 2017-2018 and 2018-2019, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.¹ A BAF will be calculated each quarter of FY 2018-2019 for nonpublic nursing facilities.

The Department will use the following formula to determine the Quarterly BAF: Annual target rate divided by the weighted average quarterly rate at 100% equals the Quarterly BAF. If the Quarterly BAF as calculated is greater than 1.0, the Quarterly BAF will equal 1.0. A detailed description of the BAF formula for FY 2018-2019 is in the notice "Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor" published at 47 Pa.B. 3562 (June 24, 2017).

Finally, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2018 will include the same level of funding that was in the General Appropriation Act of 2017.

¹ The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2018-2019 and will include the BAF in the Department's notice announcing final MA nursing facility payment rates for the rate-setting year.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. CMS approved SPA 16-0033 on November 8, 2016, which includes the BAF formula the Department will use for county nursing facilities in FY 2018-2019. The formula is as follows: $BAF = 1.00 +$ the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year. In calculating the proposed rates, the Department assumed that the General Appropriation Act of 2018 will include the same level of funding that was in the General Appropriation Act of 2017.²

The proposed annual per diem rates for FY 2018-2019, the July Quarterly BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm> and at local county assistance offices throughout this Commonwealth or by contacting Marilyn Yocum, Department of Human Services, Office of Long-Term Living at (717) 772-2549.

Fiscal Impact

If the proposed payment rates are adopted as final, there is no fiscal impact for per diem rate payments for nonpublic and county nursing facilities for FY 2018-2019. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2017.

Public Comment

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2018-2019 to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered.

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-1234. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-977. Filed for public inspection June 22, 2018, 9:00 a.m.]

² The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2018-2019 and will include the BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

DEPARTMENT OF HUMAN SERVICES

Payments to Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments for Fiscal Year 2017-2018

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified nonpublic nursing facility for Fiscal Year (FY) 2017-2018.

Payment Information

Each nursing facility could qualify for a maximum of two payments. The Department made both nonpublic nursing facility MDOI payments for FY 2017-2018 to qualifying nonpublic nursing facilities.

Payment information for the nonpublic nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/nonpublicmdoi/index.htm>.

Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1248. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-978. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to Nursing Facilities; Health Care-Associated Infection Payments Posted for Cost Reports with Acceptance Letters Mailed on or Before February 22, 2018

This notice announces that the Department of Human Services (Department) made health care-associated infection (HAI) payments to each qualified nursing facility for MA-11 Cost Reports with acceptance letters mailed on or before February 22, 2018.

Payment Information

Payment information for the Medical Assistance (MA) portion of the annual HAI surcharge for MA-11 cost reports with acceptance letters mailed by the Department on or before February 22, 2018, is posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm>.

Appeals

If a facility wishes to appeal, they must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, they specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1247. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-979. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Proposed Fee Schedule Rates for Transportation (Per Trip) Services Funded Through the Consolidated, Person/Family Directed Support and Community Living Waivers and the Community Intellectual Disability Base-Funded Program

The purpose of this notice is to announce the Department of Human Services' (Department) new proposed Fee Schedule Rates for Transportation (per trip) effective January 1, 2019.

The proposed Fee Schedule Rates for Transportation (per trip) in this notice also serve as the Department-established fees for this service under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4104—4704); 55 Pa. Code Chapter 4300 (relating to county mental health and intellectual disability fiscal manual) and 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services).

Fee Schedule Rates for Transportation (Per Trip)

The proposed Fee Schedule Rates for Transportation (per trip) were developed using a market-based approach. This process included a review of the service definition and a determination of allowable cost components which reflected costs that are reasonable, necessary and related to the delivery of the Transportation (per trip) service, as defined in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (OMB Circular Uniform Guidance, December 26, 2014). The Department established the Transportation

(per trip) Fee Schedule Rates to fund services at a level sufficient to ensure access and encourage provider participation, while at the same time ensuring cost effectiveness and fiscal accountability. The Fee Schedule Rates represent the maximum rates that the Department will pay for the Transportation (per trip) service. In developing the proposed Fee Schedule Rates for the Transportation (per trip) service, the following occurred:

The Department evaluated and used various independent data sources such as a Commonwealth-specific compensation study and expense data from prior approved cost reports, as applicable, to ensure the rates reflect the expected expenses for the delivery of the service under the waivers for the major allowable cost categories listed as follows:

- Staff wages
- Staff-related expenses
- Productivity
- Program and administration-related expenses
- Approved service definitions in the waivers and determinations made about allowable cost components that reflect expenses necessary and related to the delivery of each service
- Cost of implementing Federal and State statutes as well as regulations and local ordinances

One Fee Schedule Rate was developed for each zone covered in the Transportation (per trip) service. The modifier identifies when an aide is present during the provision of the service.

Relatives and legal guardians are permitted to provide the Transportation (per trip) service. This service will be available from providers who enroll directly with the Department to provide Transportation (per trip) services and through Organized Health Care Delivery System (OHCDS) providers. There is at least one OHCDS provider in each county.

Fee Schedule Rates for Transportation (Per Trip) Effective January 1, 2019

Modifier U2 is used to identify when an aide is present during the provision of the Transportation (per trip) service.

When Transportation (per trip) is provided through an OHCDS, the appropriate provider type is 55 and the specialty is 267. When the service is provided by a transportation provider that enrolls directly with the Department the appropriate provider type is 26 and the specialty is 267.

<i>Service Name</i>	<i>Unit of Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Statewide Fee</i>
Transportation (per trip)	Zone 1 (1—10 miles)	W7274	U2	\$11.27
		W0025		
		W0026		
	Zone 1 (1—10 miles with aide)	W7274		\$12.69
		W0025		
		W0026		
	Zone 2 (11—30 miles)	W7275		\$26.08
		W0025		
		W0026		

<i>Service Name</i>	<i>Unit of Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Statewide Fee</i>
Transportation (per trip) (Continued)	Zone 2 (11—30 miles with aide)	W7275	U2	\$29.36
		W0025		
		W0026		
	Zone 3 (over 30 miles)	W7276	U2	\$38.89
		W0025		
		W0026		
	Zone 3 (over 30 miles with aide)	W7276	U2	\$43.76
		W0025		
		W0026		

Fiscal Impact

It is anticipated that there will be no fiscal impact to the Commonwealth in Fiscal Year 2018-2019 and subsequent years as a result this notice. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year.

Public Comment

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed rates. A notice will be published announcing the final Fee Schedule Rates after the public comment period. Interested persons are invited to submit written comments regarding proposed Transportation (per trip) Fee Schedule Rates to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@pa.gov. Use subject header "PN Fee Schedule."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability County Program, Administrative Entity or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- *Northeast region:* Room 315 Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central region:* P.O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1246. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-980. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Xpress Car Racing Terminal-Based Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Xpress Car Racing (hereinafter "Xpress Car Racing"). The game will commence at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Effective Date:* Effective for ticket sales occurring on or after the publication of this notice, the Xpress Car Racing game will be operated in accordance with the terminal-based lottery game regulations at 61 Pa. Code §§ 875.1—875.17 and this game notice and will continue until the Secretary publicly announces a suspension or termination date.

3. *Price:* The price of an Xpress Car Racing play is \$1, \$2, \$3, \$4, \$5, \$10, or \$20 per outcome selected per play. A ticket may include more than one play.

4. *Description of the Xpress Car Racing lottery game:*

(a) Xpress Car Racing is designed to give players the opportunity to win one prize for each play.

(b) For each Xpress Car Racing play, the player must choose at least one outcome by selecting the first, second and third place finishing cars on which to bet.

(c) Each Xpress Car Racing drawing is a simulation of a virtual car race, referred to as a "race," with a field of twelve cars per race.

(1) The field of twelve cars are numbered from 1 to 12.

(2) The starting order of the twelve cars in each specific race is chosen randomly by the Lottery. The starting order has no bearing on any specific race outcome.

(3) Each drawing is independent of all other drawings and any prior drawings are not determinative of the outcome of any subsequent drawing.

(d) To play Xpress Car Racing, the player must use a bet slip to choose the amount to bet per outcome (\$1, \$2, \$3, \$4, \$5, \$10 or \$20), the number of consecutive drawings (1, 2, 3, 4, 5, 10 or 20), and must select a first, second and third place finishing car for each individual outcome. The player may choose up to five possible

outcomes for each drawing. The Lottery will randomly select a winning outcome for each drawing.

(e) Xpress Car Racing tickets may be purchased from an authorized retailer or at a Lottery self-service terminal, also known as a PlayCentral Terminal.

(1) To purchase a ticket at an authorized retailer, a player must remit the purchase price and submit a completed Xpress Car Racing bet slip. The ticket shall include the race outcome(s) selected, the amount of the bet, the total purchase price of the ticket, the number of consecutive drawings selected and validation data. Alternatively, the player may choose to have their numbers selected using the Quick Pick option, by marking the box for Quick Pick on the bet slip.

(2) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price and a completed Xpress Car Racing bet slip. A player may only use an Xpress Car Racing bet slip or the Quick Pick option at a Lottery self-service terminal.

(f) Players can win a prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(g) A player may purchase plays for up to twenty consecutive drawings in advance.

(h) An Xpress Car Racing ticket may not be canceled or voided once printed by the Lottery terminal, even if printed in error.

5. *Xpress Car Racing bet slip and ticket characteristics:*

(a) *Xpress Car Racing bet slips.*

(1) Xpress Car Racing bet slips are optically readable cards issued by the Pennsylvania Lottery that a player must use to make play selections. Using an Xpress Car Racing bet slip, the player shall make selections in each of the following: up to five outcome(s) of the virtual race; the amount to bet for each outcome selected; and the number of consecutive Xpress Car Racing drawings. The player must select the first, second and third place finishing cars per outcome, the amount bet per play for each outcome (\$1, \$2, \$3, \$4, \$5, \$10, or \$20), and the number of consecutive Xpress Car Racing drawings (1, 2, 3, 4, 5, 10, or 20).

(2) Xpress Car Racing bet slips shall be available at no cost to the player.

(3) Plays shall be selected in accordance with the instructions printed on the Xpress Car Racing bet slip.

(4) An Xpress Car Racing bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected, and may not be used to claim a prize.

(5) An Xpress Car Racing bet slip must be completed manually. The use of mechanical, electronic, computer generated or any other non-manual method of marking bet slips prohibited.

(6) A player may choose to have their race outcome selection(s) made using the Quick Pick option by marking the box for Quick Pick on the bet slip.

(b) *Xpress Car Racing tickets.*

(1) An Xpress Car Racing ticket shall contain the race outcome(s) selected per play, the number of consecutive drawings and the corresponding drawing numbers (also referred to as the "Draw ID") for the selected race

outcome(s), the price of each play, the total purchase price of the ticket and validation data.

(2) An Xpress Car Racing ticket shall be the only valid proof of the bet(s) placed, and the only valid receipt for claiming a prize.

(3) An Xpress Car Racing ticket shall only be valid for the Draw ID or range of Draw IDs printed on the ticket.

(4) A separate Xpress Car Racing ticket shall be issued for each bet slip submitted and purchase price remitted.

6. *Time, place and manner of conducting drawings:*

(a) *Time of drawing.* Xpress Car Racing drawings are high frequency drawings occurring multiple times per day. Xpress Car Racing drawings will be held as determined and publicly announced by the Secretary.

(b) *Place and manner of conducting drawings.* Xpress Car Racing drawings will be conducted by the Lottery Central Computer System. The Lottery Central Computer System will select, at random, one race outcome per drawing. The race outcome selected will determine the winner(s) for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

7. *Prizes available to be won and determination of prize winners:*

(a) Holders of tickets upon which the player's first, second and third place race outcome selections match the Lottery's first second and third place race outcome selections in the exact order as selected by the Lottery, on a single play, shall be the winner of \$250 for each \$1.00 played.

(b) Holders of tickets upon which the player's first, second and third place race outcome selections match the Lottery's first second and third place race outcome selections in any order, on a single play, shall be the winner of \$40 for each \$1.00 played.

(c) Holders of tickets upon which the player's first and second place race outcome selections match the Lottery's first and second place race outcome selections in the exact order as selected by the Lottery, on a single play, shall be the winner of \$20 for each \$1.00 played.

(d) Holders of tickets upon which the player's first and second place race outcome selections match the Lottery's first and second place race outcome selections in any order, on a single play, shall be the winner of \$5 for each \$1.00 played.

(e) Holders of tickets upon which the player's first place race outcome selection matches the Lottery's first place race outcome selection in, on a single play, shall be the winner of \$2 for each \$1.00 played.

(f) All Xpress Car Racing prize payments will be made as a one-time, lump-sum cash payment.

(g) A player's winning Xpress Car Racing ticket is entitled only to the highest prize for which it is eligible per play.

(h) The number of prizes available to be won and the allocation of prize money among those prize amounts may be changed at the discretion of the Secretary and change will be announced by public notice. Any such changes will apply prospectively to Xpress Car Racing drawings as of the date specified in the public notice.

8. *Probability of winning.* The following table sets forth all possible ways that a prize can be won for a single play,

the corresponding prize won and the odds of winning a prize in a drawing, depending on the race outcome selected by the player:

<i>Win With:</i>	<i>Prize</i>	<i>Odds are 1 in:</i>
1st, 2nd and 3rd Place Cars in Exact Order	\$250	1,320
1st, 2nd and 3rd Play Cars in Any Order	\$40	264
1st and 2nd Place Cars in Exact Order	\$20	146.67
1st and 2nd Place Cars in Any Order	\$5	146.67
1st Place Car	\$2	13.33

9. Retailer Incentive and Marketing Promotion Programs.

(a) The Lottery may conduct a separate retailer incentive program for retailers who sell Xpress Car Racing tickets. The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) The Pennsylvania Lottery may conduct promotional drawings associated with the Xpress Car Racing game. The Xpress Car Racing tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Xpress Car Racing drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(c) The Pennsylvania Lottery may conduct promotional payouts associated with the Xpress Car Racing game. The Xpress Car Racing tickets will be imprinted with a promotional message used to alert the player holding the ticket of the promotional opportunity. The Secretary will announce the existence of the promotional payouts. A description of the available promotional prize payouts and the specific rules and other information necessary for the conduct of the promotional payouts will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(d) The Pennsylvania Lottery may conduct promotional activities to promote the sale of the Xpress Car Racing game, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Xpress Car Racing or through normal communications methods.

10. Unclaimed Prize Money: For a period of 1 year from the date in which a prize is won, prize money from winning Xpress Car Racing lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the date on which the prize is won, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. Governing Law: In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-981. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Xpress Football Terminal-Based Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. **Name:** The name of the terminal-based lottery game is Pennsylvania Xpress Football (hereinafter "Xpress Football"). The game will commence at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. **Effective Date:** Effective for ticket sales occurring on or after the publication of this notice, the Xpress Football game will be operated in accordance with the terminal-based lottery game regulations at 61 Pa. Code §§ 875.1—875.17 and this game notice and will continue until the Secretary publicly announces a suspension or termination date.

3. **Price:** The price of an Xpress Football play is \$1, \$2, \$3, \$4, \$5, \$10, or \$20 per outcome selected per play. A ticket may include more than one play.

4. **Description of the Xpress Football lottery game:**

(a) Xpress Football is designed to give players the opportunity to win one prize for each play.

(b) For each Xpress Football play, the player must choose at least one outcome on which to bet.

(c) Each Xpress Football drawing is a simulation of one team's Offensive possession against a Defensive opponent, referred to as a "drive," in a virtual football game between two teams. Each drive consists of one or more PLAYS. PLAYS in this context and as capitalized means an attempt to advance the football.

(1) The teams presented in a drawing are chosen from a field of eight total teams, with one team presented as the Offense and one team presented as the Defense.

(2) The Offense can start at the 12-yard line, the 16-yard line or the 20-yard line.

(3) The Offensive and Defensive teams selected for each drawing, as well as the home team and the starting field position, are chosen at random by the Lottery, and the information for each day's drawings will be posted to the Lottery's publicly accessible website prior to that day's drawings. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(4) A team's Offensive and Defensive statistics, as well as the home team and the starting field position of the drive, determine the prizes, identified in section 7 (relating to determination of prize winners and prizes available to be won), and the odds for that specific drawing, identified in section 8 (relating to probability of winning).

(5) Each drawing is independent of all other drawings and any prior drawings are not determinative of the outcome of any subsequent drawing.

(d) To play Xpress Football, the player must use a bet slip to choose the amount to bet per outcome (\$1, \$2, \$3, \$4, \$5, \$10 or \$20), the number of consecutive drawings (1, 2, 3, 4, 5, 10 or 20), and must choose between 1 and 16 possible outcomes of a virtual football drive. The Lottery will randomly select a winning outcome for each drawing.

(e) For each drawing, the possible drive outcomes are one of the following. The following drive outcomes shall have the plain meaning as used with respect to American football:

- (1) A Touchdown Run on the first PLAY of the drive.
- (2) A Touchdown Run on the second PLAY of the drive.
- (3) A Touchdown Run on the third PLAY of the drive.
- (4) A Touchdown Run on the fourth PLAY of the drive.
- (5) A Touchdown Run on or after the fifth PLAY of the drive.
- (6) A Touchdown Pass on the first PLAY of the drive.
- (7) A Touchdown Pass on the second PLAY of the drive.
- (8) A Touchdown Pass on the third PLAY of the drive.
- (9) A Touchdown Pass on the fourth PLAY of the drive.
- (10) A Touchdown Pass on or after the fifth PLAY of the drive.
- (11) A Turnover on the first PLAY of the drive.
- (12) A Turnover on the second PLAY of the drive.
- (13) A Turnover on the third PLAY of the drive.
- (14) A Turnover on the fourth PLAY of the drive.
- (15) A Turnover on or after the fifth PLAY of the drive.
- (16) A Field Goal.

(f) Xpress Football tickets may be purchased from an authorized retailer or at a Lottery self-service terminal, also known as a PlayCentral Terminal.

(1) To purchase a ticket at an authorized retailer, a player must remit the purchase price and submit a completed Xpress Football bet slip. The ticket shall include the outcome(s) selected, the amount played for each outcome selected, the number of consecutive drawings selected and validation data. The Quick Pick option is not available for Xpress Football.

(2) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price and a completed Xpress Football bet slip. A player may only use an Xpress Football bet slip at a Lottery self-service terminal. A player may only use an Xpress Football bet slip at a Lottery self-service terminal. The Quick Pick option is not available for Xpress Football.

(g) Players can win a prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(h) A player may purchase plays for up to twenty consecutive drawings in advance.

(i) An Xpress Football ticket may not be canceled or voided once printed by the Lottery terminal, even if printed in error.

5. *Xpress Football bet slip and ticket characteristics:*

(a) *Xpress Football bet slips.*

(1) Xpress Football bet slips are optically readable cards issued by the Pennsylvania Lottery that a player must use to make play selections. Using an Xpress Football bet slip, the player shall make selections in each of the following: the outcome or outcomes of the virtual football drive(s); the amount to bet for each outcome selected; and the number of consecutive Xpress Football drawings. The player may select from 16 possible drive outcomes, the amount per play for each outcome (\$1, \$2, \$3, \$4, \$5, \$10, or \$20), and the number of consecutive Xpress Football drawings (1, 2, 3, 4, 5, 10, or 20).

(2) Xpress Football bet slips shall be available at no cost to the player.

(3) Plays shall be selected in accordance with the instructions printed on the Xpress Football bet slip.

(4) An Xpress Football bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected, and may not be used to claim a prize.

(5) An Xpress Football bet slip must be completed manually. The use of mechanical, electronic, computer generated or any other non-manual method of marking bet slips is prohibited.

(b) *Xpress Football tickets.*

(1) An Xpress Football ticket shall contain each drive outcome(s) selection, the number of consecutive Xpress Football drawings and the corresponding drawing numbers (also referred to as the "Draw ID") for the selected outcome(s), the price of each play, the total purchase price of the ticket and validation data.

(2) An Xpress Football ticket shall be the only valid proof of the play(s) purchased, and the only valid receipt for claiming a prize.

(3) An Xpress Football ticket shall only be valid for the Draw ID or range of Draw IDs printed on the ticket.

(4) A separate Xpress Football ticket shall be issued for each bet slip submitted and purchase price remitted.

6. *Time, place and manner of conducting drawings:*

(a) *Time of drawing.* Xpress Football drawings are high frequency drawings occurring multiple times per day. Xpress Football drawings will be held as determined and publicly announced by the Secretary.

(b) *Place and manner of conducting drawings.* Xpress Football drawings will be conducted by the Lottery Central Computer System. The Lottery Central Computer System will select, at random, one drive outcome per drawing. The drive outcome selected will determine the winner(s) for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

7. *Determination of prize winners and prizes available to be won:*

(a) *Determination of Prize Winners:*

(1) Holders of tickets upon which the player's selected drive outcome matches the drive outcome selected by the Lottery shall be the winner of a prize, as described in section 7(b) (relating to prizes available to be won).

(2) The prizes for each drawing are based on a single prize table, which is based on the individual team matchups and the starting position of the Offense.

(3) The winning outcome for each drawing will be posted to the Lottery's publicly accessible website, and will be displayed visually at retail locations with monitors that display the drawings.

(b) *Prizes available to be won:*

(1) The prizes available to be won for Xpress Football will range from \$2 to \$250 per each \$1 played, and vary based on the specifics of each individual drawing.

(2) A prize table for each drawing will be available on the Lottery's publicly accessible website, and will be displayed visually before and after each drawing at retail locations with monitors that display the drawings.

(3) Each prize table is based on a \$1 play. To determine the prize for a winning ticket, the player must multiply the prize amount in the prize table by the player's bet.

(c) All Xpress Football prize payments will be made as a one-time, lump-sum cash payment.

(d) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Secretary and changes will be announced by public notice. Any such changes will apply prospectively to Xpress Football drawings as of the date specified in the public notice.

8. *Probability of winning.*

The prize tables for all possible ways that a prize can be won for a single play, the corresponding prize won and the odds of winning a prize in a drawing can be found on the Lottery's publicly accessible website at: <https://www.palottery.state.pa.us/xpress/football/Prizes-Chances.aspx>.

9. *Retailer Incentive and Marketing Promotion Programs.*

(a) The Lottery may conduct a separate retailer incentive program for retailers who sell Xpress Football tickets. The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) The Pennsylvania Lottery may conduct promotional drawings associated with the Xpress Football game. The Xpress Football tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Xpress Football drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(c) The Pennsylvania Lottery may conduct promotional payouts associated with the Xpress Football game. The Xpress Football tickets will be imprinted with a promotional message used to alert the player holding the ticket of the promotional opportunity. The Secretary will announce the existence of the promotional payouts. A description of the available promotional prize payouts and the specific rules and other information necessary for the conduct of the promotional payouts will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(d) The Pennsylvania Lottery may conduct promotional activities to promote the sale of the Xpress Football game, including offering tickets at a discounted price. Details of

any such offering will be disseminated through media used to advertise or promote Xpress Football or through normal communications methods.

10. *Unclaimed Prize Money:* For a period of 1 year from the date in which a prize is won, prize money from winning Xpress Football lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the date on which the prize is won, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-982. Filed for public inspection June 22, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 2017 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2017. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2018, to June 30, 2019. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>CLR Factor</i>
Adams	.88
Allegheny	1.14
Armstrong	2.19
Beaver	3.98
Bedford	1.08
Berks	1.46
Blair	1.00
Bradford	3.10
Bucks	9.62
Butler	9.43
Cambria	3.72
Cameron	2.13
Carbon	2.19
Centre	3.62
Chester	1.95
Clarion	3.34
Clearfield	6.90

<i>County</i>	<i>CLR Factor</i>
Clinton	1.13
Columbia	3.88
Crawford	2.61
Cumberland	1.04
Dauphin	1.41
Delaware	1.72
Elk	2.25
Erie	1.08
Fayette	1.40
Forest	3.61
Franklin	8.13
Fulton	2.87
Greene	1.48
Huntingdon	4.10
Indiana	0.92
Jefferson	2.15
Juniata	6.13
Lackawanna	6.54
Lancaster	1.00
Lawrence	1.23
Lebanon	1.03
Lehigh	1.08
Luzerne	.98
Lycoming	1.36
McKean	1.18
Mercer	3.60
Mifflin	2.13
Monroe	4.69
Montgomery	1.96
Montour	1.34
Northampton	3.22
Northumberland	3.64
Perry	1.03
Philadelphia	1.01
Pike	4.24
Potter	2.77
Schuylkill	2.40
Snyder	6.10
Somerset	2.51
Sullivan	1.43
Susquehanna	3.13
Tioga	1.43
Union	1.37
Venango	1.17
Warren	3.07
Washington	1.05
Wayne	1.11

<i>County</i>	<i>CLR Factor</i>
Westmoreland	6.13
Wyoming	5.62
York	1.16

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-983. Filed for public inspection June 22, 2018, 9:00 a.m.]

HOUSING FINANCE AGENCY

2019-2020 Low Income Housing Tax Credit Allocation Plan; Public Comment

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice that it is seeking public comment on the 2019-2020 Low Income Housing Tax Credit Allocation Plan (Plan). Although the Agency has previously held a public hearing on this Plan, subsequent changes are being proposed and comments are invited.

Individuals wishing to provide comment on the Plan are invited to provide written comments no later than Tuesday, July 10, 2018, to the Manager, Tax Credit Program, Housing Finance Agency, P.O. Box 8029, Harrisburg, PA 17105-8029, TTY (in Pennsylvania): 711.

Copies of the proposed Plan are available upon written request at the previously listed address, at (717) 780-3948 or through the Agency's web site at www.phfa.org.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 18-984. Filed for public inspection June 22, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Ability Insurance Company (SERFF # TRIP-131530670); Rate Increase Filing for Several LTC Forms

Ability Insurance Company is requesting approval to increase the premium 36.6% on 56 policyholders with LTC forms 3358, LT691, LT692, LT694, LT695 and LT201.

Unless formal administrative action is taken prior to September 6, 2018, 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 (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

and Market Enforcement, 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. 18-985. Filed for public inspection June 22, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Certification as an Independent Review Organization; Long-Term Care Benefit Trigger Determinations; Notice 2018-05

The act of July 9, 2010 (P.L. 362, No. 51) (Act 51) provides a right to appeal a long-term care insurer's determination that a benefit trigger is not met. See section 1111.1 of The Insurance Company Law of 1921 (40 P.S. § 991.1111a). Under Act 51, an entity must be certified by the Insurance Department (Department) to perform an independent review of benefit trigger determinations.

To be certified, an independent review organization (IRO) must: (a) be certified as an IRO in another state, if the other state requires the IRO to meet substantially similar qualifications as those established by the National Association of Insurance Commissioners; or (b) be certified or approved by the Department. To maintain certification, the IRO shall comply with the Act 51 amendments to the long-term care insurance laws and its representations in its application to the Commonwealth or any other state by which it is certified.

The following organizations are approved by the Department to perform independent reviews of long-term care benefit trigger determinations:

LTCI Independent Eligibility Review Specialists, LLC
1636 North Cedar Crest Boulevard, Suite 107
Allentown, PA 18104
Telephone: (800) 878-9579
Fax: (484) 661-4757
Contact: Stephen R. La Pierre

National Medical Reviews, Inc.
607 Louis Drive, Suite C
Warminster, PA 18974
Telephone: (215) 352-7800
Fax: (215) 352-7801
Contact: J. Kathleen Marcus

MAXIMUS Federal Services, Inc.
3750 Monroe Avenue, Suite 705
Pittsford, NY 14580
Telephone: (545) 348-4357
Fax: (585) 425-5296
Contact: Tamra O. (stateappealeast@maximus.com)

This notice is updated as of June 5, 2018.

Questions regarding this notice may be directed to Carolyn M. Morris, Director, Bureau of Consumer Services, (717) 783-9862, camorris@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-986. Filed for public inspection June 22, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 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). The administrative hearings will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Kevin George; Travelers Property Casualty Insurance Company; File No. 18-198-220052; Doc. No. P18-02-014; July 16, 2018, 9 a.m.

Appeal of Danielle A. McCarthy; Permanent General Assurance Corporation of Ohio; File No. 18-176-219633; Doc. No. P18-02-007; July 16, 2018, 10 a.m.

Appeal of Gail Norton; State Farm Mutual Automobile Insurance Company; File No. 18-198-222297; Doc. No. P18-05-005; July 16, 2018, 1 p.m.

Appeal of Rachel Salmon; State Farm Mutual Automobile Insurance Company; File No. 18-198-220981; Doc. No. P18-03-015; July 16, 2018, 2 p.m.

Appeal of Thomas Joyce, Jr.; State Farm Mutual Automobile Insurance Company; File No. 18-176-224113; Doc. No. P18-06-003; July 16, 2018, 3 p.m.

Appeal of Jessie Moore; Trumbull Insurance Company; File No. 18-198-223123; Doc. No. P18-05-007; July 17, 2018, 9 a.m.

Appeal of Frances Jean-Louis; Erie Insurance Exchange; File No. 18-176-223264; Doc. No. P18-05-010; July 17, 2018, 10 a.m.

Appeal of Priscilla J. Bromley and William E. Huyler; GEICO Casualty Company; File No. 18-198-223907; Doc. No. P18-05-016; July 17, 2018, 11 a.m.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Constance Langwasser; Erie Insurance Exchange; File No. 18-118-224670; Doc. No. P18-06-005; July 18, 2018, 9:30 a.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at each hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-987. Filed for public inspection June 22, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of James Gaudiello; Allstate Insurance Company; File No. 18-119-219946; Doc. No. P18-03-003; July 17, 2018, 2 p.m.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Arthur and Lydia Hofmann; Lititz Mutual Insurance Company; File No. 18-118-224373; Doc. No. P18-06-002; July 19, 2018, 10 a.m.

The following hearing will be held in Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of John and Marlene Niznik; Encompass Insurance Company of America; File No. 18-118-223792; Doc. No. P18-06-004; July 26, 2018, 11 a.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at each hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing 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. 18-988. Filed for public inspection June 22, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition of Facilities

A-2018-3002527 and U-2018-3002547. UGI Central Penn Gas, Inc. Application of UGI Central Penn Gas, Inc. to acquire certain facilities used and useful in the public service from the Borough of Chambersburg and submission of a municipal contract.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 9, 2018. 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: UGI Central Penn Gas, Inc.

Through and By Counsel: Mark C. Morrow, Esquire, UGI Corporation, 460 North Gulf Road, King of Prussia, PA 19406

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-989. Filed for public inspection June 22, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Business Merger, Transfer of Control and Financing Arrangements

A-2018-3002679. Cross River Fiber, LLC and ZenFi Networks, Inc. Joint application of Cross River Fiber, LLC and ZenFi Networks, Inc. for approval of a business merger, transfer of control and certain financing arrangements.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 9, 2018. 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.

Joint Applicants: Cross River Fiber, LLC; ZenFi Networks, Inc.

Through and By Counsel: Robert Sokota, Esquire, General Counsel and CAO, 461 Headquarters Plaza, North Tower, 2nd Floor, Morristown, NJ 07960

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-990. Filed for public inspection June 22, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2018-3002531. American Telephone Company, LLC and Windstream Services, LLC. Joint application of American Telephone Company, LLC and Windstream Services, LLC for approval of a general rule transaction to transfer control of American Telephone Company, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 9, 2018. 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.

Joint Applicants: American Telephone Company, LLC; Windstream Services, LLC

Through and By Counsel: Thomas T. Niesen, Esquire, Charles E. Thomas, III, Esquire, Charles E. Thomas, Jr., Esquire, Thomas, Niesen & Thomas, LLC, Suite 302, 212 Locust Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-991. Filed for public inspection June 22, 2018, 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 in the event that 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, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 9, 2018. 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-2018-3002432. Double Reel Investments, Inc. (1400 Schuylkill Avenue, Suite 200, Philadelphia, PA 19146) in group and party service, in vehicles seating

between 11 and 15 passengers, including the driver, from points in the City and County of Philadelphia.

A-2018-3002492. Deborah K. Johnson (893 Pine Loganton Road, Loganton, Clinton County, PA 17747) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Centre, Clearfield, Clinton, Lycoming, Mifflin and Union, to points in Pennsylvania, and return.

A-2018-3002493. 412 Connection, LLC (1029 Irwin Street, Aliquippa, Beaver County, PA 15001) in paratransit service, from points in the City of Pittsburgh and Allegheny County, to correctional facilities in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2018-3002386. Maya's Movers, LLC (3918 East Gate Drive, York, York County, PA 17402) household goods in use, between points in Pennsylvania.

Application of the following for approval of the *transfer of ownership as described under the application.*

A-2018-3002506. Saiva Transportation, LLC (225 Lincoln Highway, Suite 186, Fairless Hills, Bucks County, PA 19030) for the approval of the transfer of ownership, from Imran Malik, Jr., to Nida Malik. *Attorney:* Karen O. Moury, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2018-3002572. Blaine Benton (94 Creek Drive, Halifax, Dauphin County, PA 17032) as a common carrier, by motor vehicle, at A-6414318, authorizing the transportation of persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Northumberland, Dauphin and Lancaster, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-992. Filed for public inspection June 22, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Janet Broomfield Johnson, RN; File No. 17-51-01177; Doc. No. 0802-51-17

On March 20, 2018, Janet Broomfield Johnson, RN, Pennsylvania license No. RN349447L, last known of Youngstown, OH, had her registered nurse license indefinitely suspended until she proves that she is fit to practice, based on receiving disciplinary action by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-993. Filed for public inspection June 22, 2018, 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>
Brubaker Run Farms, LLC— Fairview Road Farm Robert Brubaker, Jr. 1051 Fairview Road Manheim, PA 17545	Lancaster County/ Rapho Township	0	Broilers	Amended	Approved
Sunset Family Farms, LLC Kevin Snader 264 Sunset Drive Fredericksburg, PA 17026	Lebanon County/ Bethel Township	378.2	Broilers	Amended	Approved
Brubaker Farms, LLC— Dairy Farm 2 1103 Flory Road Mount Joy, PA 17552	Lancaster County/ East Donegal Township	877.25	Dairy	Amended	Approved
Melvin L. Brickner— North Mountain Gobbler # 2 Melvin L. Brickner 2859 East Dutch Corner Road McConnellsburg, PA 17233	Fulton County/ Dublin Township	346.8	Turkey	Amended	Approved
Brendon Zimmerman 2490 Mill Road Elizabethtown, PA 17022	Dauphin County/ Conewago Township	359.85	Broilers	Amended	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Michael Long, Sr. 2116 Yordys Bridge Road Annville, PA 17003	Lebanon County/ East Hanover Township	186.41	Broilers	New	Approved
Lewis Martin 12279 Route 35 Mount Pleasant Mills, PA 17853	Snyder County/ West Perry Township	239.79	Cattle/ Swine/ Goat	Amended	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 18-994. Filed for public inspection June 22, 2018, 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:

July 17, 2018	Michael F. Kissel Indebtness Issue	1 p.m.
August 14, 2018	Colleen A. McQueeney Pension Forfeiture Issue	1 p.m.
August 21, 2018	Sue Ann Frantz Disability 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. 18-995. Filed for public inspection June 22, 2018, 9:00 a.m.]