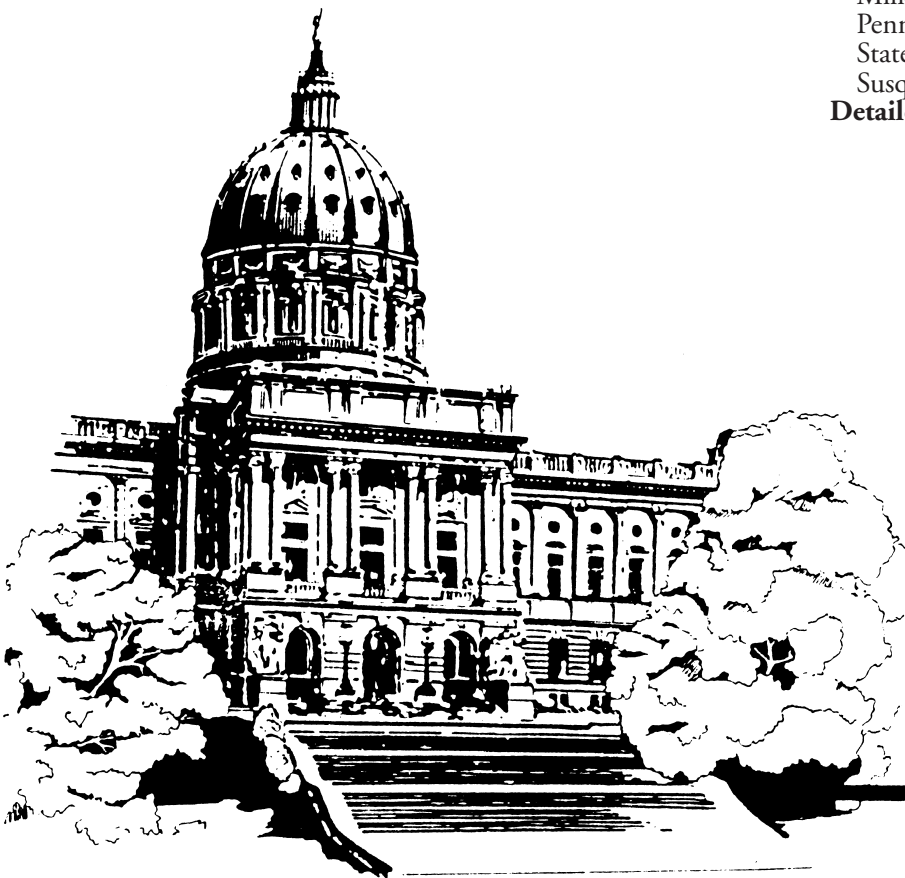


# PENNSYLVANIA BULLETIN

Volume 50  
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**Agencies in this issue**

The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of Health  
Fish and Boat Commission  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
State Real Estate Commission  
Susquehanna River Basin Commission  
**Detailed list of contents appears inside.**



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

**No. 544, March 2020**

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# CONTENTS

## THE COURTS

### LOCAL COURT RULES

#### Dauphin County

Promulgation of local rules; No. 1793 S 1989 ..... 1827

#### Montgomery County

Rescission of local rule of civil procedure \*200;  
adoption of local rule of civil procedure \*200;  
amendment of local rules of civil procedure  
208.3(b) and 4019; No. 2020-00001..... 1829

### SUPREME COURT

General Statewide judicial emergency authorization  
for Superior Court and Commonwealth Court; No.  
532 judicial administration doc..... 1831  
General Statewide judicial emergency; No. 531  
judicial administration doc..... 1832  
General Statewide judicial emergency; Nos. 531 and  
532 judicial administration doc..... 1833

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Pennsylvania Malt and Brewed Beverage Industry  
Promotion Board; grant solicitation and applica-  
tion procedures ..... 1842  
Pennsylvania Wine Marketing and Research Board;  
grant solicitation and application procedures ..... 1852

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications..... 1861

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Revised methods of attendance to 2020 Annual  
Action Plan..... 1862

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Aggregate Advisory Board; Regulatory, Legislative  
and Technical Committee virtual meeting an-  
nouncement ..... 1903  
Applications, actions and special notices..... 1862  
Continued availability of recycling program develop-  
ment and implementation grants under section  
902 of Act 101..... 1903  
Extension of general permit for the beneficial use of  
biosolids by land application (PAG-08)..... 1905  
Extension of general permit for the beneficial use of  
exceptional quality biosolids by land application  
(PAG-07) ..... 1906

Extension of general permit for the beneficial use of  
residential septage by land application (PAG-09) .. 1906  
Federal consistency under the Coastal Zone Man-  
agement Act; Philadelphia Navy Yard dredg-  
ing project..... 1907  
Mine Families First Response and Communications  
Advisory Council meeting postponed ..... 1907  
Mining and Reclamation Advisory Board virtual  
meeting announcement..... 1907  
Proposed State Implementation Plan revision; certi-  
fication of the Commonwealth's submittal of all  
case-by-case reasonably available control technol-  
ogy determinations and averaging plans to the  
United States Environmental Protection Agency  
for the 1997 and 2008 8-hour ozone National  
Ambient Air Quality Standard; virtual  
public hearing..... 1908  
Technical Advisory Committee on Diesel-Powered  
Equipment meeting cancellation ..... 1909

### DEPARTMENT OF HEALTH

#### Notices

Infant Hearing Screening Advisory Committee  
meeting ..... 1909  
Long-term care nursing facilities; requests for  
exception..... 1909  
Newborn Screening and Follow-Up Technical  
Advisory Board meeting..... 1910  
Preventative Health and Health Services Block  
Grant application for Federal fiscal year 2020;  
public hearing..... 1910  
Public Health Council meeting regarding the Pre-  
ventative Health and Health Services Block  
Grant..... 1911  
Special Supplemental Nutrition Program for  
Women, Infants and Children (WIC Program);  
competitive prices and peer group criteria ..... 1911  
Special Supplemental Nutrition Program for  
Women, Infants and Children (WIC) public meet-  
ings..... 1915  
Traumatic Brain Injury Advisory Board meeting .... 1916

### FISH AND BOAT COMMISSION

#### Notices

Mentored Youth Fishing Day Program; trout..... 1916  
Temporary change to fishing regulations; fishing in  
stocked trout waters and regional opening day of  
trout season..... 1917

### MILK MARKETING BOARD

#### Rules and Regulations

Milk marketing fees ..... 1836

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Act 129 Energy Efficiency and Conservation  
Program Phase IV; doc. No. M-2020-3015228 ..... 1917  
General rule transaction ..... 1917

### STATE REAL ESTATE COMMISSION

#### Rules and Regulations

Broker price opinions; temporary regulations ..... 1838

---

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---

**SUSQUEHANNA RIVER BASIN COMMISSION**

**Notices**

Actions taken at March meeting ..... 1918  
Grandfathering registration notice ..... 1919  
Projects approved for consumptive uses of water  
(2 documents) ..... 1919, 1920  
Projects approved for minor modifications ..... 1921  
Revocation of approvals ..... 1922

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

The *Pennsylvania Bulletin* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

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

### 4 Pa. Code (Administration)

#### Adopted Rules

1 ..... 902

#### Statements of Policy

9 ..... 328, 546, 915, 1118, 1551

### 7 Pa. Code (Agriculture)

#### Adopted Rules

150 ..... 1836

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

86 ..... 1508

87 ..... 1508

88 ..... 1508

89 ..... 1508

90 ..... 1508

#### Proposed Rules

250 ..... 1011

### 28 Pa. Code (Health and Safety)

#### Adopted Rules

26 ..... 1352

### 31 Pa. Code (Insurance)

#### Proposed Rules

168 ..... 798

### 34 Pa. Code (Labor and Industry)

#### Adopted Rules

91 ..... 792

93 ..... 792

95 ..... 792

### 40 Pa. Code (Liquor)

#### Proposed Rules

5 ..... 1650

### 49 Pa. Code (Professional and Vocational Standards)

#### Adopted Rules

35 ..... 1838

43b ..... 1354

#### Proposed Rules

25 ..... 1364

39 ..... 668

### 52 Pa. Code (Public Utilities)

#### Adopted Rules

77 ..... 469

#### Statements of Policy

41 ..... 1695

69 ..... 1652

### 55 Pa. Code (Human Services)

#### Statements of Policy

41 ..... 1695

### 58 Pa. Code (Recreation)

#### Adopted Rules

63 ..... 1526

69 ..... 1527

119 ..... 1246

### Proposed Rules

63 ..... 1247

131 ..... 1549

135 ..... 1372, 1549

139 ..... 1373

141 ..... 1379, 1380, 1384, 1385

147 ..... 1387, 1390

### 61 Pa. Code (Revenue)

#### Adopted Rules

876 ..... 1528

### 67 Pa. Code (Transportation)

#### Adopted Rules

601 ..... 545

### 204 Pa. Code (Judicial System General Provisions)

#### Adopted Rules

27 ..... 1344

33 ..... 1108

71 ..... 641, 1239

83 ..... 197

85 ..... 647

91 ..... 647

93 ..... 647, 648, 651

### Proposed Rules

83 ..... 642

85 ..... 642

89 ..... 642

91 ..... 642

93 ..... 642

### 207 Pa. Code (Judicial Conduct)

#### Adopted Rules

33 ..... 7, 197, 1239

### 210 Pa. Code (Appellate Procedure)

#### Adopted Rules

1 ..... 505, 535

3 ..... 505

5 ..... 505

7 ..... 505

9 ..... 505, 535

11 ..... 535

13 ..... 505, 535

15 ..... 505

16 ..... 505

17 ..... 505, 535

19 ..... 505

23 ..... 535

27 ..... 505

33 ..... 505, 535

37 ..... 651

69 ..... 657

### Proposed Rules

3 ..... 303

19 ..... 304

### 231 Pa. Code (Rules of Civil Procedure)

#### Adopted Rules

200 ..... 198, 306

400 ..... 199

1000 ..... 199

Part II ..... 306

**1826**

**249 Pa. Code (Philadelphia Rules)**

Unclassified .....788, 1503

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 307

**255 Pa. Code (Local Court Rules)**

Unclassified . 199, 200, 667, 790, 904, 912, 913, 914, 1114,  
1115, 1116, 1350, 1503, 1504, 1505, 1506, 1647, 1648,  
1827, 1829



# THE COURTS

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

#### Order

*And Now*, this 9th day of March, 2020, Dauphin County Local Rules of Civil Procedure 1910.4 and 1910.11.1 are rescinded and Dauphin County Local Rules of Civil Procedure 1910.11, 1915.4-2 and 1930 are amended as follows:

#### Rule 1910.11. Domestic Relations Cases—Demand for Hearing De Novo before the Court.

1. A Demand for Hearing De Novo before the Court, in accordance with Pa.R.C.P. 1910.11, shall be filed in the Domestic Relations Office.

2. A Demand for Hearing shall be substantially in the form set forth below and shall be accompanied by the following:

a. Prior Court Involvement Statement in accordance with Local Rule 1931. This form is available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php).

[www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php).

[ b. Seminar Attendance Order, in the form set forth below in accordance with Local Rule 1930. This form is available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php).

c. ] b. Self-Represented Party Entry of Appearance in accordance with Local Rule 1930.8 if the party filing the Demand for Hearing De Novo is not represented by counsel. This form is available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php).

[ 3. The Domestic Relations Office shall obtain from the Court Administrator’s Office the dates to insert in the Seminar Attendance Order and prepare an Order for Court Hearing.

4. The Domestic Relations Office will mail the Seminar Attendance and Hearing Orders to all parties.

5. ] 3. All Demands for Hearing De Novo shall be substantially in the following form. This form is available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php).

_____	:	IN THE COURT OF COMMON PLEAS
	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	PACSES CASE NUMBER
	:	
Defendant	:	DOCKET NO.

#### DEMAND FOR HEARING DE NOVO BEFORE THE COURT

1. I \_\_\_\_\_ am appealing the Order issued following my Domestic Relations Conference in the above-captioned case and demand a Hearing De Novo before the Court regarding the following:

Date of order: \_\_\_\_\_ Monthly Amount of Support Order \$ \_\_\_\_\_.

2. The reason(s) for my Demand for Hearing De Novo is/are as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. I have attached:

(a) Prior Court Involvement Statement (form available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php)).

[ (b) Seminar Attendance Order (form available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php)).

(c) ] (b) Self-Represented Party Entry of Appearance (form available at [https://www.dauphincounty.org/government/courts/self\\_help\\_center/index.php](https://www.dauphincounty.org/government/courts/self_help_center/index.php)).

4. I have provided a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature of person requesting the Hearing or their attorney:

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Rule 1915.4-2. Custody Conference Officers.**

(a) Custody Conference Officers shall be appointed by the Court to meet with the parties and their legal counsel in a custody action to conciliate the matter, attempt to resolve issues and reach an agreed Parenting Plan/Custody Order and/or if this cannot be accomplished, to define and narrow the issues to be heard by a Judge.

(b) The compensation of Custody Conference Officers shall be set by order of court by the President Judge.

*(c) Custody Conference Officers—Not Witnesses.*

1. To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in a Custody Trial before the Court.

2. The Custody Conference Officer shall not be a witness for or against any party in a Custody Trial before the Court or in any other proceeding whatsoever absent Court Order.

*(d) Agreement of Parties at Conciliation Conference.*

(1) If the parties are able to reach an agreement during the Custody Conference, the Custody Conference Officer shall prepare a proposed Parenting Plan and Custody Order memorializing the agreement.

(2) At the conclusion of the Conference, even if the parties have reached an agreement, if any of the parties have not attended the Seminar within the past twelve (12) months, the Custody Conference Officer shall serve them with another Order setting forth the new dates for their attendance and direct that they file their Certificates of Completion of the Seminar with the Prothonotary following which the Court will sign their Parenting Plan/Custody Order.

(3) The Custody Conference Officer may also recommend that [ **paramours or** ] other adults who have a strong role in the parenting of the child(ren) should attend the Seminar.

(4) The Proposed Parenting Plan and Order shall be submitted to a Family Court Judge. If a Family Court Judge has previously handled any of the parties' prior contested family law matters, it will be submitted to that Judge.

(5) If approved and signed by the Court, the Parenting Plan/Custody Order shall be filed by the Court Administrator's Office with the Prothonotary and copies shall be mailed to all parties by the Court Administrator's Office.

*(e) No Agreement.*

1. If the parties are unable to reach an agreement during the Custody Conference, the Custody Conference Officer shall prepare a Conference Summary Report for the Court which shall include the following:

(a) All relevant information gathered by the Custody Conference Officer during the conference.

(b) A summary of the contested issues to be decided by the Court.

(c) Whether or not the parties have filed the required attachments pursuant to Local Rule 1915.3(b) and if not, the dates within which the parties have to comply and attach a recommended order providing the due date for the following:

- (1) Seminar Attendance Certificates;
- (2) Prior Court Involvement Statement;
- (3) Criminal History and Abuse Verification;
- (4) Proposed Parenting Plan;
- (5) Self-Represented Party Entry of Appearance if not represented by legal counsel.

(d) List any criminal or abuse history on the parties' Criminal History and Abuse Verification warranting the Court to immediately order an Evaluation pursuant to 23 Pa.C.S.A. § 5329 or § 5330.

(e) Summarize any mental health or drug or alcohol problems raised at the Conference and recommend whether the Court should order an evaluation pursuant to Pa.R.C.P. 1915.8.

(f) Any recommendation that the court order the parties to re-attend the Seminar, even if they have attended the Seminar within twelve (12) months of the Conference.

(g) Any recommendation that [ **paramours or** ] other adults who reside in the household or have a strong role in the parenting of the child(ren) should attend the Seminar

(h) Any agreed Interim Parenting Plan/Custody Order.

(i) A list of the names and relationships of all persons who reside in each parties' household.

(j) Any reports from appropriate agencies/experts.

(k) Whether independent counsel should be appointed for the child(ren).

(l) The present status of the custody of the child(ren).

(m) Any existing Parenting Plan/Custody Order.

2. The Court Administrator's Office shall file the Conference Summary Report with the Prothonotary and copies shall be mailed to all parties by the Court Administrator's Office.

3. The Court Administrator's Office shall promptly forward the Conference Summary Report and file to the assigned judge.

4. If the parties do not reach an agreement at the Custody Conference, the case will be assigned to a Family Court Judge.

5. As a general rule, if a Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

[ **(f) The Custody Conference Officer may determine that paramours or other adults who reside in the household or have a strong role in the parenting of the child(ren) should attend the Seminar.** ]

**Rule 1930. Mandatory Four Hour Educational Seminar.**

(a) In all Custody[ , **Divorce or Annulment actions in which the parties have children under the age of 18 and where a Demand for Hearing De Novo Before the Court involving child support has been filed, except for the exclusions listed below** ] actions, the parties shall complete a four hour educational

seminar (Seminar for Families in Change and Conflict) if a party has not attended the Seminar in the prior twelve (12) months and in such other cases as the Court may order.

**[(b) In Divorce or Annulment actions in which the parties have children under the age of 18, the Plaintiff shall attend the Seminar within forty five (45) days of filing and the Defendant shall attend the Seminar within forty five (45) days from service of the complaint.**

**[(c) ] (b) In custody actions, other than Petitions for Special Relief (Emergency Custody Petitions) [ and Contempt ], Petitions for Contempt, or when a stipulation is filed simultaneously with a Custody Complaint, all parties must attend the Seminar before the date of their Custody Conference.**

**[(d) ] (c) In a Petition for Contempt or a Petition for Special Relief (Emergency Custody) or other similar Custody actions, the parties shall attend the Seminar as ordered by the Court.**

**[(e) In Demands for Hearing De Novo Before the Court involving child support, the parties shall attend the Seminar prior to the hearing before the Court except in Children and Youth Appeals, emancipation cases and cases where the obligor has no assets.**

**[(f) ] (d) The fee for the Seminar must be submitted to the Provider on the date of attendance in accordance with the instructions contained in the information sheet provided to all parties with their Seminar Attendance Order.**

**[(g) ] (e) If the parties have not attended the Seminar prior to their Custody Conference, the Custody Conference Officer shall provide the party with another date or time to attend the Seminar and such Order will be filed with the Prothonotary's Office.**

**[(h) ] (f) If the Custody Conference Officer recommends that it would be in the child(ren)'s best interests for [ a party's paramour or other ] another adult who resides in the household or has a strong role in the parenting of the child(ren) to attend the Seminar, the Court may enter an Order requiring their attendance at the Seminar.**

**[(i) No Parenting Plan/Custody Order will be entered or Divorce or Annulment Decree granted in cases where the parties have children under the age of eighteen (18) until all parties have completed the Seminar, unless this requirement is waived by the Court for good cause shown.**

**[(j) ] (g) Failure to attend the Seminar may be considered as Contempt of Court punishable by fine and other appropriate sanctions.**

The above amendments shall be published in the *Pennsylvania Bulletin* and will become effective thirty (30) days from the date of publication.

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 20-441. Filed for public inspection March 27, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

**Rescission of Local Rule of Civil Procedure \*200; Adoption of Local Rule of Civil Procedure \*200; Amendment of Local Rules of Civil Procedure 208.3(b) and 4019; No. 2020-00001**

#### Order

*And Now*, this 10th day of March 2020 the Court hereby Rescinds Montgomery County Local Rule of Civil Procedure 200—Trial Readiness and Adopts Montgomery County Local Rule of Civil Procedure \*200, and Amends Montgomery County Local Rules of Civil Procedure 208.3(b)(2) and 4019: Discovery Master. These Adopted and Amended Local Rules shall become effective on April 13, 2020 following timely publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

*By the Court*

THOMAS M. DeRICCI,  
*President Judge*

#### Rule \*200. Trial Readiness.

*Rescinded*

#### Rule \*200. Trial Readiness.

(1) *Application*. This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019\*;

(2) Nothing in this rule shall relieve the parties from the duty to move a civil action forward expeditiously, including, but not limited to:

- i) Prompt commencement and completion of fact discovery from the commencement of any civil action subject to this local rule;
- ii) Exchange of expert reports and curricula vitae of said experts, or answers to expert interrogatories;
- iii) The filing of dispositive motions promptly after the completion of discovery.

(3) *Within Arbitration Limit Cases*.

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "within arbitration limits" (excepting those involving title to real

estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 9 months of the transfer date;

b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;

c) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecept, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;

f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.

(4) *Outside Arbitration Limit Cases.*

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "outside arbitration limits", shall be praeciped for Trial by the parties, pursuant to Local Rule 212.1\*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 18 months of the transfer date;

b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;

c) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecept, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;

f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.

(5) *Track Transfer.* If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

*Comments:*

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;

2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;

3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;

4. All cases involving title to real estate and equity cases are considered "Outside Arbitration Limit Cases."

5. See Local Rule 208.3(b)(2) for the time limit on filing any motion to compel discovery.

Note: Underlined material is added.

**Rule 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions.**

(1) \*\*\*

(2) *Listing.* Excepting motions for sanctions or contempt of a prior court order, the Court Administrator shall fix promptly a return day which shall not be less than twenty (20) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the motion and the rule return date were served upon all parties, in substantially the following form:

See form *Certificate of Service*

**If a motion to compel discovery is filed more than ten (10) days after any deadline for the completion of discovery established by prior Order of the Court, then the Court Administrator shall not fix a return day and instead the motion shall be dismissed in due course as untimely.**

Motions for sanctions or contempt of a prior court order shall be forwarded by the Court Administrator to the assigned Judge for the scheduling of a hearing.

Motions that are alleged to be “emergencies” will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the assigned Judge. If the matter is deemed to be an emergency by the assigned Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

All pre-trial motions that are filed after the underlying case has been praeciped for trial or ordered on the trial list will be made rule returnable “at time of trial.”

- (3) \*\*\*
- (4) \*\*\*
- (5) \*\*\*
- (6) \*\*\*
- (7) \*\*\*

Comments:

\*\*\*

Note: Bracketed material is deleted

**Rule 4019\*. Discovery Master.**

\*\*\*

- (1) \*\*\*
- (2) \*\*\*
- (3) \*\*\*
- (4) \*\*\*
- (5) \*\*\*

(6) [ **The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.** ]

(7) [ **Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.** ]

[Pa.B. Doc. No. 20-442. Filed for public inspection March 27, 2020, 9:00 a.m.]

**SUPREME COURT**

**WESTERN DISTRICT**

**General Statewide Judicial Emergency Authorization for Superior Court and Commonwealth Court; No. 532 Judicial Administration Doc.**

**Order**

*Per Curiam*

And Now, this 16th day of March, 2020, upon consideration of this Court’s declaration of a general, statewide judicial emergency, see 531 Judicial Administration Docket (March 16, 2020), the Court deems it necessary for the appellate courts of the Pennsylvania Judiciary to undertake appropriate measures to safeguard the health and safety of court personnel, court users, and members of the public.

1. Accordingly, President Judges of the Superior Court and the Commonwealth Court are *Authorized*:

A. To suspend time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, subject to constitutional restrictions;

B. To authorize additional uses of advanced communication technology to conduct court proceedings, including oral argument, subject to constitutional restrictions;

C. To cancel oral arguments and continue affected cases until the next available and practicable oral argument session following expiration of the judicial emergency;

D. To direct the submission of cases, otherwise suitable for oral argument, for merits consideration based upon the briefs, where appropriate and practicable;

E. To take any action listed in Rule of Judicial Administration 1952(B)(2)(a)—(i), (m)—(q), (s); and

F. To take any other necessary administrative actions regarding judicial staff, court facilities and operations.

2. Within 24 hours of undertaking any action as authorized in Paragraph 1 of this order, the President Judge shall, to the extent practicable, provide notice of the action as follows:

A. Posted on the appellate court’s website;

B. Transmitted to the Administrative Office of Pennsylvania Courts for posting on the Unified Judicial System website;

C. Transmitted to the Pennsylvania Bar Association, with the request that such association promptly forward the notice to all members;

D. For cases immediately affected by any suspension of oral argument and for which submission on briefs is contemplated, notification provided specifically to the impacted parties.

3. President Judges of the Superior Court and the Commonwealth Court shall immediately notify the Court Administrator of any emergency that causes the closure of court facilities or causes the temporary suspension of court operations.

4. President Judges of the Superior Court and the Commonwealth Court shall arrange for the provision of essential judicial services, including, by way of example, prompt consideration and disposition of cases arising under the Pennsylvania Election Code, see 25 P.S. §§ 2600—3591.

5. To the extent the President Judge of the Superior Court or the Commonwealth Court seeks the temporary suspension or modification of statewide court rules as applied to any case or cases, beyond that already provided in this Order, the President Judge is to submit an application to such effect to the Middle District of the Supreme Court Prothonotary. Such applications shall specifically identify the rule or rules at issue and provide justification for the request. To the extent practicable under the circumstances, notice of the request for suspension or modification of statewide court rules shall be provided in accordance with Paragraph 2(A)—(D) of this order.

6. In the event the Superior Court or the Commonwealth Court operates under and take steps authorized by this declaration of judicial emergency, the President Judge shall provide notice to the State Court Administrator, when normal court operations are resumed. This notification shall be provided within 24 hours of the resumption of normal court operations.

[Pa.B. Doc. No. 20-443. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUPREME COURT

### WESTERN DISTRICT

#### General Statewide Judicial Emergency; No. 531 Judicial Administration Doc.

#### Order

#### *Per Curiam*

*And Now*, this 16th day of March, 2020, pursuant to Rule of Judicial Administration 1952(A), this Court *Declares* a general, statewide judicial emergency until April 14, 2020, on account of COVID-19. The Court deems it necessary for the Pennsylvania Judiciary to consider—on a district-by-district basis—the appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and members of the public.

1. Accordingly, President Judges are *Authorized* to declare judicial emergencies in their judicial districts through April 14, 2020, or for part of that period, should they deem it appropriate for the protection of the health and safety of court personnel, court users, and others. Local declarations shall be transmitted to the State Court Administrator on a form substantially similar to the following. The declarations shall become effective immediately upon the State Court Administrator's transmittal to the Supreme Court Prothonotary and upon sufficient publication arranged by the President Judge. To constitute sufficient publication, the President Judge shall ensure that the declaration is:

A. Posted on the entry doors of the county courthouse of the judicial district and of all magisterial district courts within the judicial district;

B. Posted on the judicial district's website; and

C. Transmitted via e-mail to the local county bar association or associations, with the request that such associations promptly forward the notice to all members.

2. Upon the declaration of a judicial emergency in a particular judicial district, the President Judge *Shall Have The Authority*:

A. To suspend time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, subject to constitutional restrictions;

B. To authorize additional uses of advanced communication technology to conduct court proceedings, subject to constitutional restrictions; and

C. To take any action permitted pursuant to Rule of Judicial Administration 1952(B)(2).

3. With reference to paragraph 2(A), the President Judge specifically *Shall Have The Authority* to suspend the operation of Rule of Criminal Procedure 600 within a judicial district. Such suspension shall be immediately effective if a statement of intention to implement a suspension is included in the declaration of a local judicial emergency. The purport of the suspension will be that the time period of the local judicial emergency (or a shorter time period if specified) shall be excluded from the time computation under Rule of Criminal Procedure 600(C). Nothing in this Order or its local implementation shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions, albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

4. Within 24 hours of taking any action as authorized in Paragraph 2 of this order, the President Judge shall, to the extent practicable, provide notice of the action in the manner specified in Paragraph 1(A)—(C) of this order.

5. President Judges in judicial districts operating under a declaration of judicial emergency are to comply with the obligations under Rule of Judicial Administration 1952(B)(3), (B)(5), and any other pertinent provision, where implicated.

6. President Judges in judicial districts operating under a declaration of judicial emergency shall arrange for the provision of essential judicial services, including, by way of example, arraignments and bail establishment hearings, protection from abuse act proceedings, where absent such proceedings there would be a threat of domestic violence, and/or injunction proceedings, where absent such proceedings there would be the threat of irreparable harm.

7. To the extent a President Judge seeks the temporary suspension or modification of statewide court rules as applied to any case or cases in the judicial district, beyond that already permitted under this order, see Pa.R.J.A. 1952(B)(2)(m), the President Judge is to submit an application to such effect to the Supreme Court Prothonotary, with submissions being directed to the district office of the Prothonotary applicable to the President Judge's judicial district. Such applications shall specifically identify the rule or rules at issue and provide

justification for the request. To the extent practicable under the circumstances, notice of the request for suspension or modification of statewide court rules shall be provided in accordance with Paragraph 1(A)—(C) of this order, as well as Rule of Judicial Administration 1952(C)(5).

8. In judicial districts that operate under a declaration of judicial emergency, the President Judge shall provide notice in accordance with Paragraph 1(A)—(C), and to the State Court Administrator, when normal court operations are resumed. This notification shall be provided within 24 hours of the resumption of normal court operations.

**IN THE SUPREME COURT OF PENNSYLVANIA  
XXXXXX DISTRICT**

IN RE: \_\_\_ JUDICIAL DISTRICT — : No. \_\_\_\_\_ M 2020  
 DECLARATION OF JUDICIAL :  
 EMERGENCY :

**DECLARATION**

Per the Supreme Court’s Order dated March 16, 2020, I declare a judicial emergency in the \_\_\_ Judicial District for the following period: \_\_\_\_\_ to \_\_\_\_\_ .

[OPTIONAL: The operation of Rule of Criminal Procedure 600 shall be suspended in the \_\_\_ Judicial District during the period of the local judicial emergency (or for a shorter period if specified)].

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

[Pa.B. Doc. No. 20-444. Filed for public inspection March 27, 2020, 9:00 a.m.]

**SUPREME COURT**

**WESTERN DISTRICT**

**General Statewide Judicial Emergency; Nos. 531  
and 532 Judicial Administration Doc.**

**Order**

*Per Curiam*

And Now, this 18th day of March, 2020, this Court *Directs* that all Pennsylvania courts are generally *Closed To The Public*, beginning at close of business on March 19, 2020, and lasting through at least April 3, 2020, subject to the General and Specific Directives and Exceptions listed as follows.

The Court further explains and *Directs* as follows:

**I. Background**

On March 16, 2020, this Court issued an Order, pursuant to Pennsylvania Rule of Judicial Administration 1952(A), declaring a statewide judicial emergency until April 14, 2020, to safeguard the health and safety of court personnel, court users, and members of the public due to the circumstances surrounding the COVID-19 virus (the “Judicial Districts Order”). A separate Order was issued on the same day for the Superior and Commonwealth Courts (the “Intermediate Courts Order”).

The Judicial Districts Order authorized the Pennsylvania Judiciary to consider, on a district-by-district basis, appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and the public generally. Accordingly, the Order granted the President Judges of each judicial district authorization to declare a local judicial emergency in their district to attain special authority and provided procedures for doing so. In the Intermediate Courts Order, the President Judges of the Superior and Commonwealth Courts were accorded discrete emergency powers.

Significant and material events have transpired since the prior Orders were filed. The federal government has

issued guidance suggesting an immediate need for extraordinary nationwide measures, for example, that gatherings of more than ten individuals are to be avoided. This afternoon, the Pennsylvania Secretary of Health urged this Court to consider statewide closure of the courts, except for essential services, for a period of approximately 14 days in order to further restrict the amount of person-to-person contact and mitigate the spread of COVID-19. And this Court is cognizant of the nature of court proceedings, during which individuals who may be carrying the virus with or without symptoms—including court staff, attorneys, litigants, other court participants and members of the public—may come into close proximity with other persons.

Accordingly, pursuant to Rule of Judicial Administration 1952(A) and this Court’s constitutionally-conferred general supervisory and administrative authority over all courts and magisterial district judges, *see* Pa. Const. art. V, § 10(a), this Court now **DECLARES** that a judicial emergency exists in all judicial districts, effective at close of business on March 19, 2020, pending further order of this Court, and that the courts of Pennsylvania—including the individual Courts of Common Pleas and the Superior and Commonwealth Courts—are generally **CLOSED TO THE PUBLIC** through at least April 3, 2020, subject to the General and Specific Directives and Exceptions listed below.

Furthermore, local judicial districts in Pennsylvania are **RELIEVED** of the obligation to file an emergency declaration to obtain authorization to exercise the emergency powers contemplated by Rule of Judicial Administration 1952(B)(2), as a judicial emergency is hereby deemed to exist in every judicial district in Pennsylvania through April 14, 2020, consistent with the Judicial Districts Order.

Additionally, inasmuch as the President Judges of many judicial districts have declared local judicial emergencies pursuant to the authorization contained in the Judicial Districts Order and have issued administrative directives accordingly, we specify that nothing in this Order is intended to vitiate or modify any such directives.

## II. General Directives and Exceptions

The President Judges of all judicial districts are DIRECTED to comply with procedures listed in the Judicial Districts Order, except that, in light of the present Order, they need not—and should not—transmit additional declarations of emergency to the State Court Administrator as would otherwise be required under Paragraph 1 of the Judicial Districts Order. With that said, if a President Judge of a judicial district issues any order in connection with the local judicial emergency that now is deemed to exist in that judicial district, the President Judge shall transmit such order to the Court Administrator of Pennsylvania. Furthermore, if such President Judge did not previously declare a local judicial emergency as authorized by the Judicial Districts Order, the President Judge's emergency powers exist through April 14, 2020, as reflected in that Order. If, however, such President Judge has declared a local emergency and such declaration has been assigned a Supreme Court docket number, any further order concerning administrative directives or other matters associated with the local judicial emergency should be captioned so as to indicate that docket number.

Subject to the General and Specific Directives and Exceptions below, court facilities in all judicial districts and in the Superior and Commonwealth Courts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020.

Unless otherwise indicated herein, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are SUSPENDED through April 3, 2020, subject to additional orders of this Court. This suspension SHALL OVERLAP with suspensions already granted by any President Judge, and any longer suspensions directed by a local or appellate court shall remain extant on their own terms. In all events, any legal papers or pleadings which are required to be filed between March 19, 2020, and April 3, 2020, SHALL BE DEEMED to have been timely filed if they are filed by April 6, 2020, or on a later date as permitted by the appellate or local court in question upon consideration of the potential volume of such filings.

Use of advanced communication technology to conduct court proceedings is, again, SPECIFICALLY AUTHORIZED AND ENCOURAGED IN ALL DISTRICTS, subject only to constitutional limitations.

All President Judges of the courts of common pleas are HEREBY INSTRUCTED to adopt procedures in implementing this Order that restrict potential COVID-19 exposure which could result from judges, court staff, and county agency staff interaction with the public, with full consideration of the necessary adjudication of constitutionally essential functions. In this regard, the judgment of President Judges concerning these General and Specific Directives and Exceptions SHALL SUPERSEDE any requirements of this Order, so long as the President Judge's approach remains consistent with requirements of the United States and Pennsylvania Constitutions. Along these lines, we observe that the particularized emergency circumstances with which each President Judge is confronted should ultimately inform the constitutional analysis.

Whenever possible, consistent with constitutional concerns, all courts are to consider deciding matters on the papers.

## III. Specific Directives and Exceptions

The Directives below allow for in-person court proceedings in some emergency matters as specified for each

category of courts. This Court DIRECTS that, to the extent possible, any interaction between court personnel and anyone else involved in the proceeding be undertaken consistent with federal guidance—including that provided by the Centers for Disease Control and Prevention—such as social distancing, the disinfection of surfaces, and the wearing of a facemask by an infected person.

### Intermediate Courts

Court facilities of the Superior and Commonwealth Courts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020. This Court's best guidance is that essential functions include:

- a. Election matters;
- b. Children's Fast-Track matters;
- c. Matters credibly labeled as emergency filings; and
- d. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

### Courts of Common Pleas

1) Court facilities in all judicial districts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020. This Court's best guidance is that essential functions include:

- a. Emergency bail review and habeas corpus hearings;
- b. Gagnon I hearings;
- c. Bench warrant hearings pursuant to Rule of Criminal Procedure 150;
- d. Juvenile delinquency detention;
- e. Juvenile emergency shelter and detention hearings;
- f. Temporary protection from abuse hearings;
- g. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- h. Emergency petitions for guardianship;
- i. Civil mental health reviews, *see* 50 P.S. § 7302;
- j. Emergency equity civil matters (injunctions and stays);
- k. Any pleading or motion relating to public health concerns and *involving immediate and irreparable harm*; and

1. Any other function deemed by a President Judge to be essential consistent with constitutional requirements.

2) All court calendars, scheduling notices, subpoenas or other court orders compelling the appearance of any attorney, litigant, or other participant in any non-essential case are hereby continued or postponed until further order of a President Judge or a presiding judge that is not inconsistent with this Order or a directive of a President Judge.

3) Jury and non-jury trials, both criminal and civil, are SUSPENDED and will be scheduled for a date in the future by the courts.

**4) Jurors SHALL NOT REPORT for jury duty on or before April 3, 2020, except as provided for ongoing trials pursuant to the directives below.**

5) Unless otherwise required herein, any in-person pretrial conference, case management conference, status conference, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, is hereby postponed until a future date to be set forth by the courts. To the extent that such matters may



be handled through advanced communication technology consistent with constitutional limitations, **THEY MAY AND SHOULD PROCEED.**

6) Bail review requests and requests for habeas corpus **SHALL BE REVIEWED** on a case-by-case basis consistent with the Rules of Criminal Procedure and the Pennsylvania Constitution.

7) Hearings on essential functions **SHALL BE HELD** in courtrooms designated by the individual courts of common pleas to minimize person-to-person contact.

**Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court Magistrates and Pittsburgh Municipal Court, Arraignment Division**

1) All Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court and Pittsburgh Municipal Court, Arraignment Division, **SHALL BE CLOSED TO THE PUBLIC** except for essential functions. This Court's best guidance is that essential functions include:

- a. Preliminary arraignments (bail setting) for bailable cases;
- b. Criminal case filings and subsequent processing;
- c. Preliminary hearings for incarcerated persons only;
- d. Issuance of search warrants;
- e. Emergency protection from abuse petitions; and
- f. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

2) Advanced communication technology or closed-circuit video technology **SHALL BE USED** to complete as many of these functions as practicable consistent with constitutional limitations, and necessary accommodations shall be made, to the extent practicable, to ensure that these essential functions can be adjudicated by use of such technology.

3) All other cases pending in these courts are **POSTPONED.**

4) Payments rendered to the Magisterial District Courts **SHALL NOT BE MADE IN PERSON** but may be accepted by mail, electronically (online), or by telephone as may be permissible in the Magisterial District Court receiving the payment.

5) In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District Court **SHALL ISSUE** a hearing notice scheduling a payment determination hearing to be held after April 3, 2020, or such date as shall be subsequently specified. Such missed payment or default **SHALL NOT RESULT** in the issuance of an

arrest warrant for failure to make payment, nor shall the non-payment result in driving privileges being suspended prior to such hearing.

**Landlord/Tenant**

In addition to the above, this Court is aware that the economic consequences of the COVID-19 pandemic may cause individuals to suffer a loss of income, which in turn may delay rent payments, mortgage-loan payments, or the like—including payments to be made by individuals who may be under self-imposed quarantine or who may otherwise be either carrying the virus or vulnerable to infection. In light of these circumstances, it is further **DIRECTED** that, during the period encompassed by this Order or the judicial emergency, whichever is longer, no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment. Nothing herein is intended to preclude requests for orders of possession resulting from judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed to a date on or after April 3, 2020, subject to further orders.

**Prompt Trial and Ongoing Trials**

It is further **DIRECTED** that Rule of Criminal Procedure 600(C) is hereby **SUSPENDED** in all judicial districts during the period of the statewide judicial emergency. The purport of this directive is that the time period of the statewide judicial emergency **SHALL BE EXCLUDED** from the time calculation under Rule 600(C). Nothing in this Order, however, or its local implementation, shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions—albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

Notwithstanding anything to the contrary stated above, if a jury trial has already commenced, it may proceed to completion so long as the presiding judge, with the approval of the President Judge of the judicial district in question, determines that completion of the trial without delay is required in the interests of justice. In making such determination relative to a criminal trial, the restrictions of the Double Jeopardy Clauses of the United States and Pennsylvania Constitutions shall be considered.

This Court will continue to post on the Unified Judicial System website its Orders concerning the operations of the Unified Judicial System during the COVID-19 situation.

[Pa.B. Doc. No. 20-445. Filed for public inspection March 27, 2020, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### MILK MARKETING BOARD

[ 7 PA. CODE CH. 150 ]

#### Milk Marketing Fees

The Milk Marketing Board (Board) amends Chapter 150 (relating to milk marketing fees) by increasing the license fees for milk dealers, subdealers and haulers, and increasing the examination and certificate fees for weigher-samplers and testers. This final-form rulemaking is the same as the proposed rulemaking published at 49 Pa.B. 4991 (August 31, 2019).

#### A. *Effective Date*

This final-form rulemaking will be effective 30 days after publication in the *Pennsylvania Bulletin*. Increases for new applicants will be effective when this final-form rulemaking is effective. Increases for renewal applicants will be effective for license years beginning on or after July 1, 2020. There is no sunset provision.

#### B. *Statutory Authority*

The Milk Marketing Fee Act (act) (31 P.S. §§ 700k-1—700k-10.1) gives the Board the authority to charge and collect license fees. Sections 700k-3(c) and 700k-6—700k-8 provide that the Board has the authority to set the fees by regulation.

#### C. *Purpose and Explanation*

The Board is self-funded, primarily by these fees. The Board has not received any general fund appropriations since the 1996-1997 fiscal year. The fees have not been increased since January 2004. The fees and any other funds received by the Board are paid into the State Treasury and placed in the Milk Marketing Fund (Fund). Despite the Board's careful stewardship, expenses have increased substantially in these 15 years, while income has not. The Fund is being eroded by the resulting deficits. Without this fee increase, the Board's financial viability will become uncertain. Further details are available in the Regulatory Analysis Form available at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) or from the contact person designated as follows.

Section 150.3 is deleted because the classification transition described in that regulation was implemented and completed by the Board as described in the regulation.

#### D. *Summary of Public Comments*

The only comments received were from the Independent Regulatory Review Commission (IRRC).

#### *Adequacy of fee increase*

IRRC asked for an explanation of the Board's decision to seek a fee increase that reduces but does not eliminate the Board's budget deficits.

The Board realizes that this fee increase does not eliminate the annual deficits. A fee increase that would eliminate the budget deficits would be ideal for the agency, but not ideal for the dairy industry in this Commonwealth.

The Legislative Budget and Finance Committee (Committee) released "A Study of Pennsylvania's Dairy Industry" in September 2019. The document can be found at [http://lbfc.legis.state.pa.us/Resources/Documents/Reports/](http://lbfc.legis.state.pa.us/Resources/Documents/Reports/653.pdf)

653.pdf. It catalogues the challenges facing the dairy industry in this Commonwealth. The Board is aware of these challenges and was reluctant to increase fees more than absolutely necessary. The report noted that the Board was proposing a fee increase and recommended pursuing alternative funding sources "before any additional burden is placed on Class I—IV parties to make up this shortfall" (see page 98). The report also recommended licensing milk retailers, which would be another potential source of income.

In July 2019, the Pennsylvania Dairy Future Commission was created by the Legislature. It is to issue a report by August 2020. One of its tasks is to make recommendations about the impact of State laws and regulations on the dairy industry in this Commonwealth.

These studies are just examples of the serious efforts being made to support the dairy industry in this Commonwealth in a time of enormous challenges. The Board does not know which, if any, of the recommendations or initiatives will come to fruition. But one or more could impact the Board's revenue. At a time when the dairy industry is struggling and new directions are being considered, the Board is proposing fee increases that help but do not solve the funding situation, realizing further steps will be needed in coming years.

#### *Revised method of calculating subdealer fee*

IRRC asked for an explanation of the Board's decision to change the method of calculating subdealer fees from milk purchased by the subdealers to milk sold by the subdealers.

Subdealers currently pay an annual fee based on the number of quarts they buy in this Commonwealth. The Board bases this fee on quarts sold in this Commonwealth. There are several reasons for the change.

Dealer fees are based on sales. The fee calculations will be more consistent when both dealer and subdealer fees are based on sales.

Subdealers already report their annual sales on the Subdealer Survey form which they submit with their annual license renewal.

Dealers licensed by the Board are required to report their sales to subdealers. Some subdealers purchase their products from dealers in other states. Those dealers may not be licensed by the Board. Then those sales to the subdealers are not reported to the Board. Recent analysis by milk industry economists and the Committee report (see page 107) have stated that the Board's effectiveness will be increased by gathering more comprehensive data about milk sales in this Commonwealth. By basing the fees on sales instead of purchases, the Board will obtain more definitive data about Commonwealth transactions. The Subdealer Surveys are not adequate for this purpose because those are not audited as the reports of sales for fee-setting purposes can be.

#### *Fiscal impact of revised method of calculating subdealer fee*

IRRC asked what fiscal impact the revised method of calculating the subdealer fee will have on the regulated community.

The subdealer quart-equivalent fee currently produces a total of about \$18,000 per license year for all subdealers. There are 11 fee categories based on volume. About

80% of the subdealers are in the smallest volume category. There are only five subdealers in the five highest categories.

The fees are currently calculated based on the volumes that licensed dealers report selling to licensed subdealers. Subdealer sales are not currently reported, other than on the Subdealer Surveys, which are not audited and are not necessarily consistently submitted.

Therefore we cannot calculate with certainty the impact of this change. But most of the subdealers have relatively small volume with limited geographical range. Their product sold is likely to be commensurate with their product purchased. The large volume subdealers, if this changes their fee at all, can be sure they will not experience an enormous change because there is a cap on the amount of this fee (\$1,750). Two of the five large subdealers are already in the top category, so the only increase they will experience is the increase for that category.

The Board's expectation that this change is not likely to have a large impact is evidenced in the fee estimate for the year after this change is implemented. A 25% increase from \$18,000 to \$22,500 is projected.

*E. Fiscal and Administrative Impact*

The milk dealers are projected to pay a combined total of about \$370,000 to \$385,000 per year more than they would under the current fee structure. The milk subdealers are projected to pay a combined total of about \$8,500 per year more than they would under the current fee structure. The milk haulers are projected to pay a combined total of about \$950 per year more than they would under the current fee structure. The milk weighers-samplers are projected to pay a combined total of about \$8,195 per year more than they would have under the current fee structure. The milk testers are projected to pay a combined total of about \$325 per year more than they would have under the current fee structure. These are projected estimates.

These fees are not new fees—they are increases in existing fees. Therefore the administrative impact is not expected to be significant. Subdealers will calculate their fees based on the volume of milk products sold, which is information that is obviously readily available, instead of having their fees calculated on the basis of milk products purchased, and therefore this is not expected to result in a significant administrative impact.

*F. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 31, 2019, the Board submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 4991 to IRRC and to the Chairs of the House and Senate Committees on Agriculture and Rural Affairs for review and comment.

Under section 5(g) of the Regulatory Review Act, the Board is required to submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5(a)(j.2)), on January 30, 2020, 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 January 31, 2020, and approved this final-form rulemaking.

*G. Contact Person*

Interested persons may obtain information regarding this final-form rulemaking by contacting Douglas Eberly, Chief Counsel, Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110, ra-pmmb@pa.gov within 30 days after publication in the *Pennsylvania Bulletin*. Individuals who require this information in a different format may call the Pennsylvania AT&T Relay Service for TDD users, (717) 787-4194 or (800) 654-5984.

*H. 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), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

(3) The amendments to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 49 Pa.B. 4991.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act identified in this preamble.

*I. Order*

The Board orders that:

(a) The regulations of the Board, 7 Pa. Code Chapter 150, are amended by deleting § 150.3 and amending §§ 150.11, 150.12, 150.21, 150.22, 150.51, 150.61, 150.62, 150.71 and 150.72 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

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

(d) The order shall take effect on publication in the *Pennsylvania Bulletin*.

*(Editor's Note: See 50 Pa.B. 1001 (February 15, 2020) for IRRCs approval order.)*

**Fiscal Note:** 47-19. No fiscal impact; (8) recommends adoption.

ROBERT N. BARLEY,  
*Chairperson*

**Annex A**

**TITLE 7. AGRICULTURE**

**PART VI. MILK MARKETING BOARD**

**CHAPTER 150. MILK MARKETING FEES**

**GENERAL PROVISIONS**

**§ 150.3. (Reserved).**

**LICENSE FEES OF MILK DEALERS**

**§ 150.11. Fixed fees.**

(a) A new applicant for a milk dealer's license shall pay a fixed fee of \$100 for applications submitted before January 1 of the license year for which the application is submitted, and \$50 for applications submitted on or after January 1.

(b) An applicant for annual renewal of a milk dealer's license shall pay a fixed fee of \$100.

**§ 150.12. Hundredweight fees.**

(a) In addition to the fixed fee imposed under § 150.11 (relating to fixed fees), a milk dealer that was licensed for the entire calendar year preceding license renewal shall pay an annual hundredweight fee as set forth in paragraphs (1) and (2).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is \$.060 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is \$.0064 per hundredweight.

(b) In addition to the fixed fee imposed under § 150.11, a milk dealer that was not licensed for the entire calendar year preceding license application or renewal shall pay a monthly hundredweight fee as set forth in paragraphs (1) and (2). Monthly payments shall continue until the milk dealer has been licensed for an entire calendar year and for each month thereafter until the next license year begins. Annual payments shall then commence under subsection (a).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is \$.060 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is \$.0064 per hundredweight.

\* \* \* \* \*

**LICENSE FEES OF MILK SUBDEALERS**

**§ 150.21. Fixed fees.**

(a) A new applicant for a subdealer's license shall pay a fixed fee of \$50.

(b) An applicant for annual renewal of a subdealer's license shall pay a fixed fee of \$50.

**§ 150.22. Quart-equivalent fee.**

(a) In addition to the fixed fee imposed under § 150.21(b) (relating to fixed fees), an applicant for annual renewal of a subdealer's license shall pay an annual quart-equivalent fee calculated by dividing the total quarts of milk sold during the previous calendar year by the number of months in which the subdealer engaged in business. The Board will assess the fee in accordance with the following schedule:

<i>Ave. Qts. Sold Per Month</i>	<i>Annual Fee</i>
1—29,999	\$ 62.50
30,000—59,999	125.00
60,000—119,999	187.50
120,000—149,999	200.00
150,000—199,999	312.50
200,000—299,999	375.00
300,000—399,999	500.00
400,000—599,999	625.00
600,000—799,999	1000.00
800,000—999,999	1500.00
1,000,000 and over	1750.00

(b) As used in subsection (a), "quarts" means the total volume of milk for which the Board sets a price expressed in quart equivalents.

**LICENSE FEES OF MILK HAULERS**

**§ 150.51. Fixed fees.**

A new applicant for a milk hauler's license and an applicant for annual renewal of a milk hauler's license shall pay a fixed fee of \$35.

**CERTIFICATION FEES OF MILK TESTERS**

**§ 150.61. Examination fee.**

The fee to take the Board-approved examination for a certificate of proficiency in milk testing is \$30, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees in § 150.62 (relating to fixed fees for new and renewed certificates).

**§ 150.62. Fixed fees for new and renewed certificates.**

A new applicant for a milk tester's certificate and an applicant for renewal of a milk tester's certificate shall pay a fee of \$25, which shall accompany the milk tester certificate application (available from the Board Office or website).

**CERTIFICATION FEES OF MILK WEIGHERS AND SAMPLERS**

**§ 150.71. Examination fee.**

The fee to take the Board-approved examination for a certificate of proficiency in milk weighing and sampling is \$30, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees in § 150.72 (relating to fixed fees for new and renewed certificates).

**§ 150.72. Fixed fees for new and renewed certificates.**

A new applicant for a milk weigher and sampler's certificate and an applicant for renewal of a milk weigher and sampler's certificate shall pay a fee of \$25, which shall accompany the milk weigher/sampler certificate application (available from the Board Office or website).

[Pa.B. Doc. No. 20-446. Filed for public inspection March 27, 2020, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE REAL ESTATE COMMISSION**

[ 49 PA. CODE CH. 35 ]

**Broker Price Opinions; Temporary Regulations**

The State Real Estate Commission (Commission) hereby adopts temporary regulations amending Chapter 35 by adding Subchapter I (relating to broker price opinions—temporary regulations) to read as set forth in Annex A.

*Effective Date*

The temporary regulations will be effective upon publication in the *Pennsylvania Bulletin*.

### *Statutory Authority*

The act of June 29, 2018 (P.L. 500, No. 75) (Act 75 of 2018) amended the Real Estate Licensing and Registration Act (act) (63 P.S. §§ 455.101—455.902) and authorizes the Commission to promulgate temporary regulations for the prompt implementation of section 608.6 of the act (63 P.S. § 455.608f) regarding broker price opinions. Under section 608.6(k) of the act, the adoption of temporary regulations are not subject to sections 201—203 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1203), known as the Commonwealth Documents Law, or to the requirements of the Regulatory Review Act (71 P.S. §§ 745.1—745.15). The temporary regulations will expire on August 28, 2021, or upon promulgation of the final-form rulemaking, whichever occurs first.

### *Background and Need for the Temporary Regulations*

Act 75 of 2018 made two major changes to the act. It increased the minimum amount of education necessary for licensure as a salesperson and it allowed for broker price opinions to be performed by licensed brokers, associate brokers and salespersons. Broker price opinions are considered another form of valuation for a property. Act 75 of 2018 amended section 201 of the act (63 P.S. § 455.201) to define a broker price opinion as “an estimate prepared by a broker, associate broker or salesperson that details the probable selling price of a particular parcel of real property and provides a varying level of detail about the property’s condition, market and neighborhood, and information on comparable sales, but does not include an automated valuation model. . . .” Until the amendments were made to the act, a broker price opinion was considered an appraisal under Commonwealth law which may be performed only by a certified real estate appraiser. Broker price opinions are most frequently used by banks to determine an approximate value of the bank’s real estate inventory. Prior to Act 75 of 2018, banks would have to either obtain a formal appraisal or a comparative market analysis. Banks find it cost prohibitive to pay for a full appraisal when they only want a quick opinion as to the value. The purpose of a comparative market analysis is for a real estate licensee to give an opinion of value for the purpose of listing a property for sale or aiding a buyer to determine the offering price. A comparative market analysis would not help a bank for its needs concerning valuing its inventory. A broker price opinion creates a viable alternative for those consumers that would just like an estimate of value for their property without having to pay for an expensive appraisal or to have the property listed for sale. The trend across the country is to allow broker price opinions. The amendments to the act keep the Commonwealth current with practices in other states.

Act 75 of 2018 also authorized the Commission to promulgate temporary regulations to facilitate the prompt implementation of the practice of broker price opinions by brokers, associate brokers and salespersons.

### *Description of the Temporary Regulations*

The temporary regulations add a new subchapter which sets forth limitations and requirements for broker price opinions, including required disclosures, signature requirements, permissible uses and required experience and education for brokers, associate brokers and salespersons.

### *Definitions*

Section 35.401 (relating to definitions) sets forth definitions for terms used in the temporary regulations. The following terms are defined as provided in the act: “broker price opinion” and “short sale.” In addition,

“automated valuation model” is defined in accordance with section 1125 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub.L. No. 101-73) (12 U.S.C.A. § 3354(d)), which is consistent with the definition in the act.

### *Broker Price Opinion*

Section 35.402 (relating to broker price opinion) lists the requirements of a broker price opinion. Under subsection (a), a broker price opinion is required to have a specific statement displayed indicating that the broker price opinion was not prepared in accordance with the Uniform Standards of Professional Appraisal Practice and that it is not to be construed as an appraisal. Subsection (b) requires a signature by the person who prepares the broker price opinion and lists all of the information that must be on every broker price opinion, as required by section 608.6(c) of the act. Based on the suggestion of one of the comments received from stakeholders during the drafting of the temporary regulations, the Commission added “cost data” at paragraph (b)(4) as another way of basing a conclusion as to price. Paragraph (b)(9) requires the license numbers of the preparer and any broker or associate broker reviewing the broker price opinion because the Commission believes it is important to identify all licensees involved with a broker price opinion.

Consistent with the act, subsection (c) requires compensation for preparing a broker price opinion to be paid directly to the employing broker of the licensee who prepared the broker price opinion. This mirrors section 608.6(d) of the act but adds the word “employing” in front of broker. The Commission believes that adding the word “employing” in front of broker clarifies that only the broker can be compensated by a consumer and is consistent with section 604(a)(12) of the act (63 P.S. § 455.604(a)(12)), which prohibits an associate broker or salesperson from accepting a commission or other valuable consideration from anyone other than the employing broker. Subsections (d) and (e) set forth the minimum requirements for a salesperson to prepare a broker price opinion, which includes experience, education and required review and signature by the employing broker or designated associate broker as set forth in section 608.6(j) of the act.

### *Use of Broker Price Opinions*

Section 35.403(a) (relating to use of broker price opinion) lists the permissible uses of a broker price opinion as set forth in section 608.6(e) of the act. Subsection (b) lists the prohibited uses of a broker price opinion as set forth in section 608.6(f) of the act.

### *Broker Price Opinion Education*

Section 35.404 (relating to broker price opinion education) sets forth the educational requirements a licensee must complete prior to preparing a broker price opinion. Subsection (a) requires brokers, associate brokers and salespersons to complete a Commission-approved initial education course in the preparation of broker price opinions. Subsection (b) requires a broker or associate broker to complete the Commission-approved initial education course in the preparation of broker price opinions prior to signing a broker price opinion prepared by a salesperson. Subsection (c) requires brokers, associate brokers and salespersons to complete at least 3 hours of Commission-approved continuing education in broker price opinion topics prior to preparing a broker price opinion. Subsection (d) requires brokers, associate brokers and salespersons to retain the transcript or certificate of instruction and provide a copy to the Commission upon request.

Under subsection (e), the Commission preapproves four broker precicensure courses in the topics of valuation of residential property, valuation of income-producing property, basic appraisal principles and basic appraisal procedures for the initial educational requirement.

In developing these temporary regulations, the Commission received comments from the Bucks County Real Estate Institute, Vintage Real Estate Academy, Irene P. Richmond, Pennsylvania Association of Realtors, Real Estate Valuation Advocacy Association, Polley Associates, Howard Hanna Real Estate Services, Appraisal Institute, Mid-Atlantic Valuation Group, Inc. and Career Growth Real Estate Academy. The major concern among the commentators was that the proposed educational requirement was not a two-part educational requirement with separate initial education and continuing education requirements. Due to the number of comments received, the Commission revised the temporary regulations to separate the requirements for the initial broker price opinion education and continuing education.

*Fiscal Impact and Paperwork Requirements*

The temporary regulations should have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Commission will not incur any additional costs due to the review and approval of the educational courses because those costs are paid for through application fees paid by the education providers. Those brokers, associate brokers and salespersons who want to perform broker price opinions will incur minimal costs associated with obtaining the necessary initial education if they have not already done so. On average, education providers are charging approximately \$10 per credit hour for broker price opinion education. These costs are minimal and not prohibitive to obtain the education to perform a broker price opinion. Also, licensees who complete the initial education requirement will be required to retain the transcript or certificate of instruction for as long as the licensees are performing broker price opinions.

*Sunset Date*

The temporary regulations will expire no later than August 28, 2021. The Commission will assess the effectiveness of the temporary regulations in formulating proposed and final-form rulemakings on the topic of broker price opinions.

*Regulatory Review*

These temporary regulations are statutorily exempt from the process set forth in the Regulatory Review Act (71 P.S. §§ 745.1—745.15).

*Public Comment*

In accordance with Executive Order 1996-1 (see 4 Pa. Code §§ 1.371—1.382 (relating to Regulatory Review and Promulgation)), in January of 2019, the Commission sent an exposure draft of the temporary regulations to interested parties and stakeholders soliciting comment. The Commission received comments from the public, including stakeholders in the real estate industry and considered them at a public meeting on April 30, 2019. Commentators were primarily concerned that the educational requirements were not clearly separated into initial and continuing education components. As previously discussed, the Commission has separated initial education requirements and continuing education in these temporary regulations in response to those comments. The Commission will solicit additional input when formulating the proposed and final-form rulemakings.

JOSEPH TARANTINO,  
Chairperson

*(Editor's Note: Title 49 of the Pennsylvania Code is amended by adding temporary regulations in §§ 35.401—35.404 to read as set forth in Annex A.)*

**Fiscal Note:** 16A-5624. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 35. STATE REAL ESTATE COMMISSION**

**Subchapter I. BROKER PRICE OPINIONS—TEMPORARY REGULATIONS**

**§ 35.401. Definitions.**

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

*Automated valuation model*—Any computerized model used by mortgage originators and secondary market issuers to determine the collateral worth of a mortgage secured by a consumer's principal dwelling.

*Broker price opinion*—An estimate prepared by a broker, associate broker or salesperson that details the probable selling price of a particular parcel of real property and provides a varying level of detail about the property's condition, market and neighborhood, and information on comparable sales, but does not include an automated valuation model.

*Short sale*—A sale of real property in which the seller's proceeds are less than the amount required to pay off all liens secured by the property.

**§ 35.402. Broker price opinion.**

(a) A broker price opinion must contain the following statement displayed conspicuously and without change:

This analysis has not been prepared in accordance with the Uniform Standards of Professional Appraisal Practice which require valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose.

(b) A broker price opinion must be signed manually or electronically by the person who prepared it and must contain all of the following information:

- (1) An identification of the intended users and intended uses of the broker price opinion, if known.
- (2) A brief description of the subject property.
- (3) A brief description of the property interest to be priced.
- (4) The basis for the conclusion as to the price, including applicable market data, cost data or capitalization computation.
- (5) Any assumption or limiting condition.
- (6) Any existing or contemplated interest of the licensee who prepared the broker price opinion.
- (7) The effective date of the broker price opinion.
- (8) The date that the document is signed.

(9) The real estate license number of the preparer and, if applicable, the reviewing broker or associate broker.

(c) A fee or valuable consideration for a broker price opinion shall be paid directly to the employing broker.

(d) A salesperson may not prepare a broker price opinion unless the salesperson has held an active license for the 3 years immediately preceding the effective date of the broker price opinion and has satisfied the educational requirements in § 35.404 (relating to broker price opinion education).

(e) A broker price opinion prepared by a salesperson must be signed by the salesperson and reviewed and signed by the employing broker or a designated associate broker.

**§ 35.403. Use of broker price opinion.**

(a) A broker price opinion may be prepared by a broker, associate broker or salesperson only for use in conjunction with any of the following:

- (1) A property owned by a lender after an unsuccessful sale at a foreclosure auction.
- (2) A modification of a first or junior mortgage or equity line of credit.
- (3) A short sale of a property.
- (4) An evaluation or monitoring of a portfolio of properties.

(b) A broker price opinion may not be prepared by a broker, associate broker or salesperson for use:

- (1) As the basis to determine the value of a parcel of real property for a mortgage loan origination, including a first or junior mortgage, refinancing or equity line of credit.
- (2) In connection with any of the following:
  - (i) An eminent domain proceeding.
  - (ii) A Federal, State or local tax appeal.
  - (iii) A bankruptcy or insolvency proceeding.

(iv) An action or proceeding involving divorce or equitable distribution of property.

(v) Any other action or proceeding before a court of record.

(vi) The distribution of a decedent's estate.

**§ 35.404. Broker price opinion education.**

(a) A broker, associate broker or salesperson may not prepare a broker price opinion unless the broker, associate broker or salesperson has completed a Commission-approved initial education course in the preparation of broker price opinions.

(b) A broker or associate broker may not sign a broker price opinion prepared by a salesperson unless the broker or associate broker has completed a Commission-approved initial education course in the preparation of broker price opinions.

(c) A broker, associate broker or salesperson may not prepare a broker price opinion unless the broker, associate broker or salesperson has completed at least 3 hours of Commission-approved continuing education in broker price opinion topics during the current or immediately preceding 2-year license period.

(d) A broker, associate broker or salesperson who has completed a Commission-approved initial education course, a broker precicensure course listed in subsection (e) or continuing education referenced in subsection (c) shall retain the transcript or certificate of instruction and provide a copy to the Commission upon request.

(e) The following broker precicensure courses have been approved to satisfy the initial education requirement in subsections (a) and (b):

- (1) Valuation of residential property.
- (2) Valuation of income-producing property.
- (3) Basic appraisal principles.
- (4) Basic appraisal procedures.

[Pa.B. Doc. No. 20-447. Filed for public inspection March 27, 2020, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Malt and Brewed Beverage Industry Promotion Board; Grant Solicitation and Application Procedures

1. *Introduction.* Under Act 39 of 2016, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board (Board) annually, or more frequently as the availability of funds permits, solicits proposals for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of malt and brewed beverages produced in this Commonwealth. The Board was established by section 446.1 of the Liquor Code (47 P.S. § 4-446.1). The Board makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001). This notice establishes the procedures by which grant applications will be solicited and reviewed, and grants awarded.

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

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

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

b. The Liquor Control Board grant agreement follows hereto as Addendum 1 and incorporated by reference. The terms are non-negotiable; therefore, applicants shall carefully review the Liquor Control Board grant agreement to ensure that proposed projects are compliant with agreement requirements.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code (47 P.S. §§ 1-101—10-1001) and the Liquor Control Board's regulations (40 Pa. Code §§ 1.1—17.41) to ensure the legality and viability of grant projects and proposed activities.

#### 4. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page budget, by e-mail by Friday, April 24, 2020, to RA-AGCommodities@pa.gov.

The concept paper must identify timeframes for proposed grant activities in conformance with the timeframes identified in paragraph 9, Term of Grants, as well as Addendum 1.

b. *Application.* Applicants whose concept papers are approved by the Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Board by 4 p.m. on Thursday, June 11, 2020. Proposals should be sent electronically to RA-AGCommodities@pa.gov and 12 copies must be hand-delivered or sent by United States Mail and postmarked on or before the same date. Applications should be addressed and delivered to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Commodity Board Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

c. *Presentations.* Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Board and answer questions, either in person or by means of conference call, at the Board's next scheduled meeting on Friday, July 10, 2020, at 10 a.m. The meeting will be held in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

5. *Format of the Concept Paper.* The concept paper shall include:

a. *Organization/Business Type.* List the applicant's full legal organization/business type.

b. *Organization/Business Information.* List the organization/business name along with the contact information and the amount of grant funds the entity is requesting. In the event of a Liquor Control Board grant award, applicants will be required to have or obtain a Liquor Control Board Oracle Supplier Registration number using the name, full street address and tax identification number that matches the applicant information presented in the proposal/grant application.

c. *Project Coordinator/Qualifications.* Identify the person who will be directing the proposed project and clearly state their qualifications.

d. *Organization History.* Indicate whether the organization has previously received Board or agriculture-related grant funds.

e. *Area of Focus.* Select a funding priority from paragraph 13 of this notice. For purposes of Liquor Control Board grants, "marketing" projects include advertising and promotions, educational/outreach projects, and technical support initiatives such as web site development, equipment or process development, while "research" projects include agricultural and research and development efforts.

f. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline.* State the estimated timeline for the proposed project. The timeline may not begin earlier than January 1, 2021, and may not extend beyond the term of the grant as set forth in more detail at paragraph 9 as follows.

h. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps



that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project's purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

i. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

j. *Draft Budget.* State the budget for the proposed project using the categories from paragraph 6.f. If a project is selected to submit a proposal, more detailed budget information will be required.

6. *Format of the Project Proposal and Grant Application.* The project proposal and grant application shall be formatted as follows:

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

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

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

d. Section 3, titled Linkage to Funding Priorities, addressing: how the project will support one of the funding priorities established by the Board which are listed in paragraph 14; the geographic area of this Commonwealth where impact will occur; and the intended impact created by the project and who will benefit.

e. Section 4, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. Each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or nonconsumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; and a full breakdown of other costs, if any, and the method used to calculate those costs.

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

calculated by hours and the tasks to be performed by each of the named personnel.

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

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

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

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

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

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

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

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

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

9. *Term of Grants.* Grant agreements will become effective January 1, 2021, or the date of the last required Commonwealth approval, whichever date is later (Effective Date).

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

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

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

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

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

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

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

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

12. *Cost-Reimbursement Grant.* Payment of all grant funds will occur on a reimbursement basis only and no funds will be included in any grant award for indirect costs.

13. *Funding Priorities.* In accordance with paragraph 6.d., the Board has identified the following funding priorities, listed in no particular order. The name given to each priority area is not intended to limit the intended scope and creative thought applied by applicants in developing projects that serve the purposes articulated in this notice.

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

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

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

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

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

b. *Tourism:* Projects are sought from organizations interested in marketing and integrating this Commonwealth's beer industry into new or existing regional and Statewide tourism initiatives, such as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*e. Technical Assistance, Support and Research and Development:* Projects are sought that will advance best practices, technology transfer, research and development, workforce development and training in this Commonwealth's brewing industry. The Board is interested in funding projects that will: increase beer knowledge/science; advance best practices in brewing; provide education/training opportunities related to beer production, quality, packaging, marketing and sales; and promote innovation in the brewing and manufacturing processes. Examples could include:

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

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

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

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

#### Addendum 1

#### LCB GRANT AGREEMENT

#### GRANT AGREEMENT PURSUANT TO 47 P.S. § 4-446.1

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

#### I. RECITALS

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

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

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

actions of the Beer Board and the grants awarded pursuant to section 446.1 of the Liquor Code.

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

#### II. AGREEMENT

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

##### 1. SCOPE.

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

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

##### 2. OPERATIONAL REQUIREMENTS

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

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

##### 3. EFFECTIVE DATE AND TERM

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

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

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

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

6. **PERMITTED EXPENDITURE.**

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

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

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

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

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

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

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

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

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

9. **ADDITIONAL COMPLIANCE REQUIREMENTS**

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

i. *Attachment A—Pennsylvania Electronic Payment Program*

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

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

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

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

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

b. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations. The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times

comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB's Regulations, 40 Pa. Code § 1.1 et seq.

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

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

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

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

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

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

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

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

[ signatures on following page ]

**IN WITNESS WHEREOF**, the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its

respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

[GRANTEE]

NAME:  
Title:

**PENNSYLVANIA LIQUOR CONTROL BOARD**

Charles Mooney, Executive Director

**APPROVED AS TO FORM AND LEGALITY:**

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL DATE

APPROVED:

COMPTROLLER

**Attachment A**

**PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM**

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

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

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

**Attachment B**

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

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity

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

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

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

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

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

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

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government

contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

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

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

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

### Attachment C

#### CONTRACTOR INTEGRITY PROVISIONS

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

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

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

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

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

d. **"Contractor Related Parties"** means any affiliates of the Contractor and the Contractor's executive officers,

Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. **“Financial Interest”** means either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Attachment D

##### AMERICANS WITH DISABILITIES ACT

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

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

#### Attachment E

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

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to

the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

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

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

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

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

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

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

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

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

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the



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

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

**Attachment F**

**Contractor Responsibility Provisions**

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

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

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

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

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

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by

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

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

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

**Addendum 2**

**BOARD GRANT SCORING CRITERIA & SCALE**

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

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Economic Benefits Generated	<ul style="list-style-type: none"> <li>• Does the project create jobs?</li> <li>• Does the project save money for the industry?</li> <li>• Will it strengthen the economic viability of the industry and how?</li> <li>• Does the project support and promote intrastate and/or interstate tourism?</li> </ul>	20
Methodology & Evaluation	<ul style="list-style-type: none"> <li>• Can the methodology produce the desired outcomes?</li> <li>• Does the evaluation component measure the right outcomes?</li> <li>• Can the methodology produce stated economic benefits and can the evaluation accurately measure so benefits?</li> </ul>	10
Industry Support	<ul style="list-style-type: none"> <li>• Is there strong industry support for this project?</li> <li>• Are there any matching funds or leveraged resources?</li> </ul>	10

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 20-448. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Wine Marketing and Research Board; Grant Solicitation and Application Procedures

1. *Introduction.* The Pennsylvania Wine Marketing and Research Program Board (Board) annually, or more frequently as the availability of fund permits, solicits applications for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of wines, enhance the wine industry and benefit wine producers of this Commonwealth. The Board was established by the Department of Agriculture (Department) under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act). Its composition, funding and duties were subsequently expanded by section 488.1 of the Liquor Code (47 P.S. § 4-488.1). The Board makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001) for Act 39 of 2016 funding. This notice establishes the procedures by which grant applications will be solicited, reviewed and grants awarded.

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

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

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

b. The Liquor Control Board grant agreement follows hereto as Addendum 1 and incorporated by reference. The terms are non-negotiable; therefore, applicants shall carefully review the Liquor Control Board grant agreement to ensure that proposed projects are compliant with agreement requirements.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code (47 P.S. §§ 1-101—10-1001) and the Liquor Control Board's regulations (40 Pa. Code §§ 1.1—17.41) to ensure the legality and viability of grant projects and proposed activities.

#### 4. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page budget, by e-mail by Friday, April 24, 2020, to RA-AGCommodities@pa.gov. The concept paper must identify timeframes for proposed grant activities in conformance with the timeframes identified in paragraph 9, Term of Grants, as well as Addendum 1.

b. *Application.* Applicants whose concept papers are approved by the Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Board by 4 p.m. on Thursday, June 11, 2020. Proposals should be sent electronically to RA-AGCommodities@pa.gov and 16 hard copies must be hand-delivered or sent by United States Mail and postmarked on or before the same date. Applications should be addressed and delivered to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Commodity Board Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

c. *Presentations.* Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Board, and answer questions, either in person or by means of conference call, at the Board's next scheduled meeting on Tuesday, June 30, 2020, at 10 a.m. The meeting will be held in Room 405, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

5. *Format of the Concept Paper.* The concept paper shall include:

a. *Organization/Business Type.* List the applicant's organization/business type.

b. *Organization/Business Information.* List the full legal organization/business name along with the contact information and the amount of grant funds the entity is requesting. In the event of a Liquor Control Board grant award, applicants will be required to have or obtain a Liquor Control Board Oracle Supplier Registration number using the name, full street address and tax identification number that matches the applicant information presented in the proposal/grant application.

c. *Project Coordinator/Qualifications.* Identify the person who will be directing the proposed project and clearly state their qualifications.

d. *Organization History.* Indicate whether the organization has previously received Board or agriculture-related grant funds.

e. *Area of Focus.* Identify whether this is a marketing or research proposal. For purposes of Liquor Control Board grants, “marketing” projects include advertising and promotions, educational/outreach projects, and technical support initiatives such as web site development, equipment or process development, while “research” projects include agricultural and research and development efforts.

f. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline.* State the estimated timeline for the proposed project. The timeline may not begin earlier than January 1, 2021, and may not extend beyond the term of the grant as set forth in more detail at section 9 as follows.

h. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project’s purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

i. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

j. *Draft Budget.* State the budget for the proposed project using guidance from paragraph 6.d. If a project is selected to submit a proposal, more detailed budget information will be required.

6. *Format of the Project Proposal and Grant Application.* The project proposal and grant application shall be formatted as follows:

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

b. Section 1, titled Statement of Purpose, explaining or presenting: the purpose for which the grant funds would be utilized and identifying methods for measuring and reporting outcomes; details of the proposed project, including a statement of expected impact of outcomes, staffing for the project, and objectives and methodologies; and whether, how and to what anticipated extent the proposed marketing or research project increases the quality, profitability, production and sale of wines, enhances the wine industry and benefits wine producers of this Commonwealth.

c. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or

partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

d. Section 3, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. Each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or nonconsumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; and a full breakdown of other costs, if any, and the method used to calculate those costs. See also paragraph 12.

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

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

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

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

v. *Contractual*—If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, travel costs, lodging expenses, indirect costs as provided in paragraph 12, and any other related contractual expenses.

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

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

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

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

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

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

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

d. Up to 20 points for overall project evaluation.

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

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

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

9. *Term of Grants.* Grant Agreements will become effective January 1, 2021, or the date of the last required Commonwealth approval, whichever date is later (Effective Date).

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

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

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

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

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

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

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

11. *Grant Agreement.* The Liquor Control Board will provide applicants with a grant agreement for grantee's execution and return within 30 calendar days. The Liquor Control Board will obtain the required signature on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. Unless otherwise stated in the executed grant agreement, no grant agreement is effective, and work should not

begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Board full and complete access to all records relating to the performance of the project and submit information as the Board may require.

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

### Addendum 1

#### LCB GRANT AGREEMENT

#### GRANT AGREEMENT PURSUANT TO 47 P.S. § 4-488.1

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

#### I. RECITALS

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

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

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

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

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

## II. AGREEMENT

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

### 1. SCOPE.

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

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

### 2. OPERATIONAL REQUIREMENTS

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

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

### 3. EFFECTIVE DATE AND TERM

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

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar days of the PLCB’s receipt of a compliant request. No

additional extensions will be approved, although Grantee is not precluded from applying for a subsequent grant.

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

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

### 6. PERMITTED EXPENDITURE.

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

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

### 7. INVOICING, RECORDS, REPORTS.

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

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

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

d. Grantee is required to file timely progress reports to the Wine Board, including but not limited to a final report. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee’s failure to submit reports to the Wine Board,

until the Wine Board advises the PLCB that such reports have been submitted. The Grantee is responsible for ensuring that its required reports are timely submitted directly to the Wine Board and acknowledges that the PLCB has no involvement in the Wine Board's statutory reporting requirements.

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

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

#### 9. ADDITIONAL COMPLIANCE REQUIREMENTS

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

i. *Attachment A—Pennsylvania Electronic Payment Program*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[ signatures on following page ]

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

[GRANTEE]

NAME:  
Title:

**PENNSYLVANIA LIQUOR CONTROL BOARD**

Charles Mooney, Executive Director

**APPROVED AS TO FORM AND LEGALITY:**

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL DATE

APPROVED:

COMPTROLLER

**Attachment A**

**PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM**

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

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

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

**Attachment B**

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

The Grantee agrees:

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

cable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

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

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

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

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

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

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

Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

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

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

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

### Attachment C

#### CONTRACTOR INTEGRITY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to



fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

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

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

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

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

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

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor,

upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

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

#### **Attachment D**

##### **AMERICANS WITH DISABILITIES ACT**

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

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

#### **Attachment E**

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

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

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the

Grantee of Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

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

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

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

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

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

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

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

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages

assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

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

## Attachment F

### Contractor Responsibility Provisions

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

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

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

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

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

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Common-

wealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

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

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

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 20-449. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 17, 2020.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

Date	Name and Location of Applicant	Action
03-11-2020	Charles B. Johnson San Mateo California  Application for approval to acquire up to 20.9%, indirectly of the Pennsylvania Trust Company by virtue of his 20.9% ownership of Franklin Resources, Inc. and as a result of applications filed with the Department whereby Fiduciary Trust Company International will purchase 100% of the shares of The Pennsylvania Trust Company (Company) from its corporate parent, PTC 450, Ltd. Immediately following its acquisition of the shares, Fiduciary Trust Company International will contribute 100% of the shares to its subsidiary, Fiduciary International Holding, Inc. Consequently, Fiduciary International Holding, Inc. will become the immediate corporate parent and owner of 100% of the shares of The Pennsylvania Trust Company. As a result, Fiduciary Trust Company International will become the indirect corporate parent of The Pennsylvania Trust Company by virtue of its ownership of 100% of the shares of Fiduciary International Holding, Inc. Franklin Resources, Inc. will also become an indirect corporate parent of the Company by virtue of its ownership of 100% of the shares of Fiduciary Trust Company International.	Filed
03-11-2020	Rupert H. Johnson, Jr. San Mateo California  Application for approval to acquire up to 21%, indirectly of the Pennsylvania Trust Company by virtue of his 21% ownership of Franklin Resources, Inc. and as a result of applications filed with the Department whereby Fiduciary Trust Company International will purchase 100% of the shares of The Pennsylvania Trust Company (Company) from its corporate parent, PTC 450, Ltd. Immediately following its acquisition of the shares, Fiduciary Trust Company International will contribute 100% of the shares to its subsidiary, Fiduciary International Holding, Inc. Consequently, Fiduciary International Holding, Inc. will become the immediate corporate parent and owner of 100% of the shares of The Pennsylvania Trust Company. As a result, Fiduciary Trust Company International will become the indirect corporate parent of The Pennsylvania Trust Company by virtue of its ownership of 100% of the shares of Fiduciary International Holding, Inc. Franklin Resources, Inc. will also become an indirect corporate parent of the Company by virtue of its ownership of 100% of the shares of Fiduciary Trust Company International.	Filed

**CREDIT UNIONS**

No activity.

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

**RICHARD VAGUE,**  
*Acting Secretary*

[Pa.B. Doc. No. 20-450. Filed for public inspection March 27, 2020, 9:00 a.m.]

**DEPARTMENT OF COMMUNITY  
AND ECONOMIC DEVELOPMENT**

**Revised Methods of Attendance to 2020 Annual  
Action Plan**

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of novel Coronavirus (COVID-19), the following Department of Community and Economic Development (Department) public hearing will only be held virtually by means of the method listed. There will be no in-person opportunity to attend the hearing. The manner to take written comment will remain the same and is listed at the end of this notice. Anyone needing assistance may contact (717) 787-5327. There is no registration for this hearing.

Second Citizen's Public Hearing for the 2020 Annual Action Plan

*Date:* Wednesday, April 1, 2020

*Time:* 1 p.m. to 2:30 p.m.

*By means of:* Skype for business or conference call ONLY

Individuals can join the public hearing by connecting to Skype for business. The conference ID is 834384945.

Individuals can join the public hearing by phone at +1 (267) 332-8737. The dial-in number is PIN 834384945#.

The hearing will be shortened if there is no one to testify or there is minimal response.

Individuals with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan L. Snyder, Department of Community and Economic Development, at (717) 787-5327 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

*Written Comments*

Comments on the 2020 Annual Action Plan may be electronically submitted to the Department by means of the following mailbox [RA-DCEDcdbghomequestions@pa.gov](mailto:RA-DCEDcdbghomequestions@pa.gov). Written comments should be submitted to Megan L. Snyder, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by close of business at 4 p.m. on Wednesday, April 8, 2020, to be included as testimony in the 2020 Annual Action Plan.

**DENNIS M. DAVIN,**  
*Secretary*

[Pa.B. Doc. No. 20-451. Filed for public inspection March 27, 2020, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)  
PERMITS**

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-0790, Email: RA-EPNPDES\_NERO@pa.gov.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0065579 (Storm Water)	USS Achey Scrapyard 355 E Second Mountain Road Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	Mahonney Creek (CWF, MF) (3-A)	Yes
PA0064271A-1 (Sewage)	Timothy and Melissa Gaiser SRSTP 4926 Main Road West Emmaus, PA 18049	Lehigh County Upper Milford Township	Leibert Creek (HQ-CWF, MF) (2-C)	Yes
PA0021555 (Sewage)	Weatherly Borough 10 Wilbur Street Weatherly, PA 18255-1437	Carbon County Weatherly Borough	Unnamed Tributary to Black Creek (CWF, MF) (2-B)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0096164 (Sewage)	Living Treasures II STP P.O. Box 346 Donegal, PA 15628	Westmoreland County Donegal Township	Indian Creek (HQ-CWF) (19-E)	Yes
PA0014311 (Industrial)	Keystone Profiles Ltd Beaver Falls Plant 220 7th Avenue Beaver Falls, PA 15010-3274	Beaver County Beaver Falls City	Walnut Bottom Run (WWF) (20-B)	Yes

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

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

**PA0026450**, Sewage, SIC Code 4952, **Bristol Township**, 2501 Bath Road, Bristol, PA 19007. Facility Name: Bristol Township STP. This existing facility is located in Bristol Township, **Bucks 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), Delaware River (WWF, MF), is located in State Water Plan watershed 2-E 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 2.25 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.6	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	595.0	Report	XXX	19.0	29.0	38
May 1 - Oct 31	357.0	544.0	XXX	19.0	29.0	38
CBOD <sub>5</sub> Minimum % Removal						
Nov 1 - Apr 30	XXX	XXX	XXX	85.00 in Mo Avg	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	88.50 Min Mo Avg	XXX	XXX
Total Suspended Solids	563.0	844.0	XXX	30.0	45.0	60
Ammonia-Nitrogen	657.0	XXX	XXX	35.0	XXX	70

The proposed effluent limits for Outfall 001 are based on a design flow of 3.75 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	938.0	1,407.0	XXX	30.0	45.0	60
Ammonia-Nitrogen	688	XXX	XXX	22.0	XXX	448

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 MGD and 3.75 MGD Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	Report	XXX	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 MGD and 3.75 MGD—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	2,000.0 Daily Max	2,500
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 MGD and 3.75 MGD after expansion of STP—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Average</i>	<i>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report Avg Mo	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report Avg Mo	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report Avg Mo	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000.0
May 1 - Sep 30	XXX	XXX	XXX	200.0 Geo Mean	XXX	1,000.0
Total Nitrogen	XXX	XXX	XXX	Report Avg Mo	Report Wkly Avg	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Mo	Report Wkly Avg	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Mo	Report Daily Max	XXX

The proposed effluent limits for stormwater Monitoring Point MP101 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>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for MP 201 are based on a design flow of 3.75 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	357.0	536.0	XXX	19.0	29.0	38
CBOD <sub>5</sub> Minimum % Removal (%)	XXX	XXX	XXX	88.50 Min Mo Avg	XXX	XXX

The proposed effluent limits for MP 301 are based on a design flow of 3.75 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	595.0	907.0	XXX	19.0	29.0	38
CBOD <sub>5</sub> Minimum % Removal (%)	XXX	XXX	XXX	85.00 Min Mo Avg	XXX	XXX

Sludge use and disposal description and location(s): Hauled off-site for DEP approved disposal site.

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

- Notification of designation of responsible operator.
- Operation & Maintenance (O & M) Plan
- Implementation of High Flow Maintenance Plan (HFMP).
- Pretreatment Program Implementation

- WET Testing requirements
- Stormwater monitoring requirements
- PCBs Pollution Minimization Plan and Monitoring

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.

**PA0245194**, Sewage, SIC Code 4952, **Leon A. Grochowski Jr.**, 2224 Meadowbrook Drive, Schnecksville, PA 18078. Facility Name: 2408 Hill Rd SFTF. This proposed facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Trench to UNT of Threemile Run (TSF, MF), is located in State Water Plan watershed 2-D and is classified as a perennial stream. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0008 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Hauled off-site.

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.

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

**PA0004219-A1**, Industrial, SIC Code 1061, 2819, 3313, **Langeloth Metallurgical Co. LLC**, P.O. Box 608, Langeloth, PA 15054. Facility Name: Langeloth Metallurgical Plant. This existing facility is located in Smith Township, **Washington County**.

Description of Existing Activity: Amendment of the NPDES permit compliance schedule date to achieve final water quality-based effluent limit for total arsenic at Internal Monitoring Point 301 pursuant to 25 Pa. Code § 95.4 along with the reduction of monitoring frequency for stormwater outfalls (002, 003, 004 and 006).

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

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

The EPA Waiver is in effect.

**PA0252981**, Industrial, SIC Code 4213, **Estes Express Lines Inc.**, 1645 Route 136, Eighty-Four, PA 15330. Facility Name: Estes Express Lines, Inc. This proposed facility is located in North Strabane Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to Chartiers Creek (HQ-WWF), is located in State Water Plan watershed 20-F and is classified for High Quality Waters—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 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
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.

Parameters	Mass Units (lbs/day)		Concentrations (mg/L)			
	Average	Daily	Minimum	Average	Daily	IMAX
	Monthly	Maximum		Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

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

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*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790. Phone: 570.826.2511, Email: RA-EPNPDES\_NERO@pa.gov.*

**WQM Permit No. 1320401**, Sewage, **Borough of Bowmanstown**, 490 Ore Street, Bowmanstown, PA 18030.

This proposed facility is located in Bowmanstown Borough, **Carbon County**.

Description of Proposed Action/Activity: Construction of three new reed drying beds to the existing treatment plant. The new reed beds will augment the three existing reed drying beds.

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

**WQM Permit No. 0474418 A-2**, Sewage, **PA American Water Co.**, 2736 Ellwood Road, New Castle, PA 16101.

This existing facility is located in Koppel Borough, **Beaver County**.

Description of Proposed Action/Activity: To replace the gaseous chlorine disinfection system with a UV disinfection system.

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

**WQM Permit No. 2720404**, Sewage, **Verne James**, P.O. Box 612, East Hickory, PA 16321.

This proposed facility is located in Hickory Township, **Forest County**.

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

**WQM Permit No. 2520407**, Sewage, **Daniel & Deborah Gruver**, 5007 N Main Street, McKean, PA 16426.

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

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

**WQM Permit No. 2589409 A-1**, Sewage, **Aldo DeSanto**, 1660 Headin Lane, Southaven, MS 38672-8502.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Amendment to permit Ecoflo Coco Filter system for single residence sewage treatment plant.

**WQM Permit No. 4320403**, Sewage, **Brandon Persch**, 1171 Barkeyville Road, Grove City, PA 16127.

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

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

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

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

**PAI130042**, MS4, **Upper Moreland Township**, 117 Park Avenue, Willow Grove, PA 19090-3209. 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 Upper Moreland Township, **Montgomery County**. The receiving streams, Pennypack Creek (TSF, MF), Round Meadow Run (TSF, MF), Unnamed Tributary to Terwood Run (TSF, MF), Unnamed Tributary to Pennypack Creek (TSF, MF), and Unnamed Tributary to Southampton Creek (TSF, MF), are located in State Water Plan watershed 3-J and are classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan/A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

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

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


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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450106 Completeness	CMBK Resort Holdings LLC 1193 Resort Dr Tannersville, PA 18372	Monroe	Pocono Twp	Coolmoor Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave, Greystone Building, Nazareth, PA 18064-9211, 610-829-6276.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480123 Completeness	Silver Maple LP 370 E Maple Ave Ste 101 Langhorne, PA 19047	Northampton	East Allen Twp Hanover Twp	Monocacy Creek (HQ-CWF, MF) Catasauqua Creek (CWF, MF)
PAD480118 Completeness	Bethlehem Twp 4225 Easton Ave Bethlehem, PA 18020	Northampton	Bethlehem Twp	Monocacy Creek (HQ-CWF, MF)

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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136377	Fayette County 61 E Main Street Uniontown, PA 15401-3514	Uniontown City Fayette County	Y	N
PAG136350	Ellsworth Borough Washington County P.O. Box 545 Ellsworth, PA 15331-0545	Ellsworth Borough Washington County	Y	N
PAG136312	Glassport Borough Allegheny County 440 Monongahela Avenue Glassport, PA 15045-1423	Glassport Borough Allegheny County	Y	N

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**PUBLIC WATER SUPPLY PERMITS**

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

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

is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

### SAFE DRINKING WATER

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

#### Application No. 6420501, Public Water Supply.

Applicant	<b>Wallenpaupack Lake Estates POA</b> 114 Wallenpaupack Drive Lake Ariel, PA 18436
Municipality	Paupack Township
County	<b>Wayne</b>
Responsible Official	John Carney General Manager Wallenpaupack Lake Estates POA
Type of Facility	Public Water Supply
Consulting Engineer	Douglas E. Berg, P.E. Entech Engineering, Inc. 8 Silk Mill Drive Hawley, PA 18428
Application Received Date	March 9, 2020
Description of Action	This application proposes iron and manganese treatment using sequestration for the Ski Bluff Well in Wallenpaupack Lake Estates.

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

#### Permit No. 5610506-A2, Public Water Supply.

Applicant	<b>Central City Water Authority</b> 314 Central Avenue Suite 203 Central City, PA 15926
Township or Borough	Shade Township
County	<b>Somerset</b>
Responsible Official	William Russian, Vice-Chairman
Type of Facility	Water system
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Application Received Date	March 12, 2020
Description of Action	Construction of a chlorine booster station and installation of a water storage tank mixer at the existing Sorber (Bunker Hill) water storage tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, State-wide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Scheuermann Property**, 125 Washington Drive, Hawley, PA 18428, Porter Township, **Pike County**. Mobile Environmental Analytical, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of John Scheuermann, 125 Washington Drive, Hawley, PA 18428, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on December 24, 2019.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Registration(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit Application No. WMGR123SW043. Range Resources-Appalachia, LLC**, 3000 Town Center Blvd., Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the Sten Keith Reuse Water Storage Facility for storage and reuse of oil and gas liquid waste at a site located in Morris Township, **Washington County**. The registration was received in the Regional Office on March 10, 2020 and accepted as administratively complete on March 17, 2020.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

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

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

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**37-185D: Universal Refractories Inc., Wampum Plant** (P.O. Box 97, 915 Clyde St., Wampum, PA 16157-0097) for the installation of a two bulk mixing lines and a material handling system. Sources at the site with drying ovens, refractory finishing, magnesium oxide processing, bulk blending, material handling and miscellaneous natural gas use. This facility is in Wampum Borough, **Lawrence County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 37-185D to Universal Refractories Inc. for the construction and operation of bulk mixing and material handling product lines, at the Wampum Plant located in Wampum Borough, Lawrence County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 37-185D is for the construction and operation of bulk mixing and material handling product lines. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will emit approximately 0.66 ton per year of particulate matter. The facility will emit 5.1 tons per year of PM<sub>10</sub>, and less than 0.1 ton per year of sulfur oxides, carbon monoxide and nitrogen oxides.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.*

**AMS Plan Approval No. IP19-000750: Naval Foundry and Propeller Center (NSA-P) DLA HQ** (1701 Kitty Hawk Avenue, Philadelphia, PA 19112) for the installation of a cement mill plant consisting of two sand silos, one cement silo, two weigh hoppers, four mixers, three bin vent dust collectors, and a baghouse at their facility in the City of Philadelphia, **Philadelphia County**. The cement mill plant will have a potential emissions of 1.17 ton/year Particulate Matter (PM) and 1.17 ton/year of Particulate Matter 10 micrometers or less in diameter (PM<sub>10</sub>). The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this permit are available for review in the offices of Air Management Services, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the previously listed address.

Persons wishing to file protest, comments or to request a public hearing on the previously listed permit must submit the protest, comments, or request for a public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

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

**08-00023: Faithful Companions Pet Cemetery** (2919 Rolling Hills Road, Ulster, PA 18850) to issue a

renewal State Only Operating Permit for their Pet Cremation facility located in Smithfield Township, **Bradford County**. The facility's main sources include three (3) natural gas fired animal crematory incinerators.

The facility has potential emissions of 5.79 tons per year of nitrogen oxides, 2.61 tons per year of carbon monoxide, 1.00 ton per year of sulfur oxides, 4.67 tons per year of particulate matter, 0.43 ton per year of volatile organic compounds including hazardous air pollutants (HAPs). The potential emissions for all criteria pollutants remained same at the facility. No emission or equipment changes are being proposed by this action.

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 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60, 63 and 98.

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

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**03-00183: Peoples Natural Gas Company Shoemaker Compressor Station** (375 North Shore Drive, Suite 600, Pittsburgh, PA 15212). The Department intends to issue a renewal of the Natural Minor State Only Operating Permit for the natural gas transmission facility located in Bethel Township, **Armstrong County**. The sources at the facility include two 1,350 HP compressor engines, a tri-ethylene glycol dehydrator, reboiler, 340 HP emergency generator engine, and fugitive emissions. The actual emissions reported from the facility for 2018 were 12 TPY CO, 24 TPY NO<sub>x</sub>, 3 TPY PM<sub>10</sub>, 0.03 TPY SO<sub>x</sub>, 13 TPY VOC, and 3 TPY HAPs. The engines are subject to the Federal Requirements of 40 CFR 63 Subpart ZZZZ pertaining to Stationary Reciprocating Internal Combustion Engines and the dehydrator is subject to 40 CFR 63 Subpart HH pertaining to Natural Gas Production Facilities.

**03-00203: Peoples Natural Gas Company Crooked Creek Compressor Station** (375 North Shore Drive, Suite 600, Pittsburgh, PA 15212). The Department intends to issue a renewal of the Natural Minor State Only Operating Permit for the natural gas transmission facility located in Bethel Township, **Armstrong County**. The sources at the facility include two 340 HP compressor engines, a tri-ethylene glycol dehydrator, reboiler, 153.2 HP emergency generator engine, and fugitive emissions. The actual emissions reported from the facility for 2018 were 57 TPY CO, 34 TPY NO<sub>x</sub>, 0.4 TPY PM<sub>10</sub>, 0.02 TPY SO<sub>x</sub>, 14TPY VOC, and 2.5 TPY HAPs. The non-emergency engines are subject to the Federal Requirements of 40 CFR 63 Subpart ZZZZ pertaining to Stationary Reciprocating Internal Combustion Engines. The emergency engine is subject to 40 CFR 60 Subpart JJJJ pertaining to Stationary Spark Ignition Internal Combustion Engines. The dehydrator is subject to 40 CFR 63 Subpart HH pertaining to Natural Gas Production Facilities.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) intends to revise Synthetic Minor Operating Permit No. OP16-000021. The Operating Permit was originally issued on March 4, 2019 for the following facility:

**OP16-000021: Southwest Water Pollution Control Plant** (8200 Enterprise Avenue, Philadelphia, PA 19153) for the operation of air emission sources at a water treatment plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include liquid treatment processes, solids treatment processes, two (2) boilers firing digester gas and No. 2 fuel oil each rated 5.230 MMBtu/hr, four (4) boilers firing digester gas and No. 2 Fuel Oil each rated 26.780 MMBtu/hr, four (4) flares firing digester gas and propane each rated 88,150 SCF/hr, two (2) portable washers firing gasoline and No. 2 Fuel Oil each rated 294,000 BTU/hr, and four (4) cold cleaning degreasers using non-halogenated solvents.

The changes made as part of the amendment include the following:

- Updated Section B: General Conditions to the current AMS versions.
- Updated Section C: Facility Wide to the current AMS versions, and updated Section C.4 to incorporate the changes in the permissible grade of fuel oil usage.
- In Section D: Source Specific Requirements, updated Condition D.6.(b) to change the frequency of reporting to AMS from semi-annual to annual so that Condition D.6.(b) is consistent with Section C.10 and with the requirements for Synthetic Minor Operating Permit.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation

Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**03160701 and NPDES Permit No. PA0236373. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, to operate a new coal refuse disposal site and related NPDES Permit adding outfalls 001 and 002. The application also includes a request for a Section 401 Water Quality Certification for the Miller Hollow Refuse Site in Plumcreek Township, **Armstrong County** and Armstrong Township, **Indiana County**. Affecting 150.0 proposed surface acres, 62.8 proposed coal refuse disposal acres, and 87.2 proposed coal refuse disposal support acres. Receiving stream(s): Dutch Run classified for the following use: CWF and Unnamed Tributary to Dutch Run classified for the following use: CWF. The application was considered administratively complete on March 9, 2020. Application received: January 31, 2020.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 56080107 and NPDES No. PA0262684. Fieg Brothers**, P.O. Box 38, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface mine in Southampton Township, **Somerset County**, affecting 162.1 acres. Receiving stream(s): Powder Run to Gladdens Creek to unnamed tributaries to/and Wills Creek, classified for the following use(s): HQ CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 9, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 19881301R6. UAE CoalCorp Associates** (142 Barry Road, Ashland, PA 17921), renewal of an existing anthracite underground mine operation for reclamation activities only in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 776.3 acres. Receiving stream: Shamokin Creek, classified for the following use: warm water fishes. Application received: February 3, 2020.

**Permit No. 54200101. Selkirk Enterprises, LLC** (10 Gilberton Road, Gilberton, PA 17934), commencement, operation and restoration of an anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 149.5 acres. Receiving stream: West-West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: February 7, 2020.

**Permit No. 19793201R7. Gilberton Coal Company** (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing operation in Conyngham Township, **Columbia County** affecting 3.4 acres. Receiving stream: unnamed tributary to Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: February 12, 2020.

*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 05920301 and NPDES No. PA0212261. New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, commencement, operation and restoration of a large noncoal (industrial minerals) operation to revise the directional bore under Cover Creek in order to move the quarry discharge to the Juniata River in Snake Spring Valley Township, **Bedford County**, affecting 372.2 acres. Receiving stream(s): Cover Creek and Raystown Branch of the Juniata River classified for the following use(s): EV TSF. There are no potable water supply intakes within 10 miles downstream. Application received: March 5, 2020.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**14920302 and NPDES PA0207098. Hanson Aggregates Pennsylvania LLC**, 7660 Imperial Way, Allentown, PA 18195, renewal for an existing NPDES on a large noncoal surface mining site located in Marion Township, **Centre County** affecting 270.0 acres. Receiving stream(s): Lick Run classified for the following use(s): HQ-CWF, MF. Application received: March 13, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 39880302A1C11. Coplay Aggregates, Inc.** (21 East 10th Street, Northampton, PA 18067), correction to include the use of reclamation fill for reclamation and update the reclamation grade on an existing quarry operation in Whitehall Township, **Lehigh County** affecting 21.49 acres. Receiving stream: Coplay Creek, classified for the following uses: cold water & migratory fishes. Application received: March 27, 2020.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	.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, (Contact: Bonnie Herbert).

**NPDES No. PA0236098 (Mining Permit No. 56111601). LCT Energy, LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, a renewal and a revision to the NPDES and mining activity permit for Laurel Plant in Shade Township, **Somerset County**, affecting 154.2 surface acres. Receiving stream(s): Unnamed Tributary 45347 to Little Dark Shade Creek classified for the following use: CWF; Little Dark Shade Creek classified for the following use: CWF; and Unnamed Tributary to Little Dark Shade Creek classified for the following use: CWF. Kiskiminetas-Conemaugh Watershed TMDL. The application for the renewal was considered administratively complete: April 2, 2019. Application for the renewal was received: December 24, 2018. The application for the revision was considered administratively complete: September 4, 2019. The application for the revision was received: July 1, 2019.

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

*Outfall 001* discharges to: Unnamed Tributary 45347 to Little Dark Shade Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 05' 12" Long: 78° 50' 09") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 002* discharges to: Unnamed Tributary 45347 to Little Dark Shade Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 05' 09" Long: 78° 49' 57") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 003* discharges to: Little Dark Shade Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 05' 23" Long: 78° 49' 41") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 004* discharges to: Little Dark Shade Creek

The proposed effluent limits for *Outfall 004* (Lat: 40° 05' 23" Long: 78° 49' 41") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 005* discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 005* (Lat: 40° 05' 36" Long: 78° 49' 55") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 006* discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 006* (Lat: 40° 05' 31" Long: 78° 49' 44") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

*Outfall 007* discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 007* (Lat: 40° 05' 33" Long: 78° 50' 00") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

EPA waiver is not in effect.

**NPDES No. PA0215732 (Mining Permit No. 63743705). ArcelorMittal Pristine Resources, LLC**, P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948, a new NPDES and mining activity permit for CRDA reclamation for Marianna Mine No. 58 CRDA in Marianna Borough and West Bethlehem Township, **Washington County**. Receiving stream(s): Unnamed Tributary 40804 to Horn Run classified for the following use: TSF. The application was considered administratively complete: June 18, 2019. The application was received: June 12, 2019.

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

*Outfall 001* discharges to: Unnamed Tributary 40804 to Horn Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 01' 26.9" Long: 80° 06' 22.3") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50

EPA waiver not in effect.

**NPDES No. PA0215171 (Mining Permit No. 63981301). The Ohio County Coal Company**, 46226 National Road, St. Clairsville, OH 43950, a renewal to the NPDES and mining activity permit for Ohio County Mine in West Finley Township, **Washington County**, affecting 6.0 surface acres and 497.39 underground acres. Receiving stream(s): Enlow Fork of Wheeling Creek classified for the following use: TSF. The application was considered administratively complete: March 20, 2019. The application was received: November 9, 2018.

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

*Outfall 001* discharges to: Enlow Fork of Wheeling Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 57' 48" Long: 80° 30' 59") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Chloride	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-

EPA waiver not in effect.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Cayleigh Boniger).*

**NPDES No. PA0259594 (Permit No. 16140109). K & A Mining** (119 Atwell Lane, Kennerdell, PA 16374), revised NPDES permit for a bituminous surface mine in Washington Township, **Clarion County**, affecting 70.0 acres. Receiving streams: Unnamed tributaries to East Sandy Creek, classified for the following uses: CWF. TMDL: None. Application received: August 21, 2019.

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

The following outfalls discharge to unnamed tributaries to East Sandy Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	N
TP2	N
TP3	N
TP4	N
TP5	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

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

The following outfalls discharge to unnamed tributaries to East Sandy Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	N
SP2	N
SP3	N
SP4	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

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

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**NPDES No. PA0269891 (Mining Permit No. 17180101). Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, new NPDES permit for discharge of water resulting from surface coal mining operations in Penn Township, **Clearfield County** affecting 127.5 acres. Receiving stream(s): Bell Run classified for the following use(s): CWF. Application received: June 28, 2019.

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

The following outfalls discharge to Bell Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001 (TB1)	Y	Treatment
002 (TB2)	Y	Treatment
003 (SPA)	Y	Sediment
005 (SPC)	Y	Sediment
006 (SPD)	Y	Sediment
007 (SPE)	Y	Sediment

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

<i>Outfalls: 001, 002 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.9	5.8	7.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)	Monitor & Report		
Flow (gpm)	Monitor & Report		
Temperature (°C)	Monitor & Report		
Specific Conductivity (µmhos/cm)	Monitor & Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 003, 005, 006 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.9	5.8	7.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)	Monitor & Report		
Flow (gpm)	Monitor & Report		
Temperature (°C)	Monitor & Report		
Specific Conductivity (µmhos/cm)	Monitor & Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.4	2.8	3.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)	Monitor & Report		
Flow (gpm)	Monitor & Report		
Temperature (°C)	Monitor & Report		
Specific Conductivity (µmhos/cm)	Monitor & Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

#### *Noncoal NPDES Draft Permits*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Cayleigh Boniger).*

**NPDES No. PA0258580 (Permit No. 43080302). White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125) renewal of an NPDES permit for a large industrial mineral surface mine in Hempfield Township, **Mercer County**, affecting 76.0 acres. Receiving streams: Unnamed tributaries to the Shenango River, classified for the following uses: WWF. TMDL: None. Application received: February 13, 2020.

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

The following outfalls discharge to unnamed tributaries to the Shenango River:

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

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

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

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**NPDES Permit No. PA0614602 on Surface Mining Permit No. 8073SM1C14. Highway Materials, Inc.** (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES Permit for a shale and schist quarry operation in Malborough Township, **Montgomery County**, affecting 80.9 acres. Receiving stream: Unami Creek, classified for the following use: HQ—cold water fishes. Application received: November 18, 2019.

Outfall Nos.	New Outfall (Y/N)	Type
001	No	Stormwater
002	No	Pit Water/Stormwater

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

Outfalls: Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Discharge (MGD) for 001		0.016		
Discharge (MGD) for 002		0.22		
Total Suspended Solids		35.0	70.0	900
Turbidity NTU for 001		40.0	80.0	100.0
Turbidity NTU for 002				40.0

Monitor and Report

<sup>1</sup> Parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E3603219-004. United Federal Data of Pennsylvania, LLC**, 210 York Street, Suite 200, York, PA 17403, Columbia Borough, **Lancaster County** and Wrightsville Borough, **York County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain a 1.25-inch fiber optic line across the Susquehanna River (WWF, MF) by attaching it to the existing S.R. 462 Bridge, for the purpose of providing an alternate data path across the Susquehanna River. The project is located along S.R. 462 (Latitude: 40.0285°N; Longitude: 76.5178°W) in Columbia Borough, Lancaster County, and Wrightsville Borough, York County. No wetlands will be impacted by this project.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829220-021: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Franklin and Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 94 linear feet of an unnamed tributary to McCraney Run (EV, MF) (Leroy, PA Quadrangle, Latitude: 41.65722, Longitude: -76.67861°);
2. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 347 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41.65528°, Longitude: -76.67667°);
3. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 599 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41.65528°, Longitude: -76.67667°);
4. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 61 linear feet of an unnamed tributary to Carbon Run (EV, MF) and impacting 21,503 square feet of an adjacent Palustrine Forested Wetland (EV) and 7,832 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Leroy, PA Quadrangle, Latitude: 41.65111°, Longitude: -76.66722°);
5. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 1,453 square feet of a Palustrine Forested Wetland (Leroy, PA Quadrangle, Latitude: 41.64972°, Longitude: -76.66139°);
6. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 133 linear feet of an unnamed tributary to Carbon Run (EV, MF) (Leroy, PA Quadrangle, Latitude: 41.64972, Longitude: -76.66028°);

7. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 76 linear feet of an unnamed tributary to Carbon Run (EV, MF) and impacting 804 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Leroy, PA Quadrangle, Latitude: 41.64944°, Longitude: -76.65944°);

8. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 21,502 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41.64917°, Longitude: -76.65750°);

9. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 995 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41.64917°, Longitude: -76.65611°);

10. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 77 linear feet of an unnamed tributary to Carbon Run (EV, MF) (Leroy, PA Quadrangle, Latitude: 41.6500°, Longitude: -76.64722°);

11. a temporary timber mat bridge impacting 393 square feet of a Palustrine Forested Wetland (Leroy, PA Quadrangle, Latitude: 41.65194°, Longitude: -76.64306°);

12. a temporary timber mat bridge impacting 591 square feet of a Palustrine Forested Wetland (Leroy, PA Quadrangle, Latitude: 41.65056°, Longitude: -76.64083°);

13. a 24-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 251 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41.65028°, Longitude: -76.63333°);

The project will result in 332 linear feet or 16,264 square feet of temporary stream impacts and 23,694 square feet (0.54 acre) of temporary PEM, 8,636 square feet (0.20 acre) of PSS and, 26,940 square feet (0.62 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Franklin and Leroy Township, Bradford County.

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective

permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed)	EPA Waived Y/N?
PA0040321 (Industrial)	ABB Installation Products Perkasie Plant 131 Phoenix Crossing Bloomfield, CT 06002	Bucks County East Rockhill Township	Unnamed Tributary to East Branch Perkiomen Creek (TSF, MF) 3-E	Yes

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PAS802219 (Storm Water)	USPS Lehigh Valley Vehicle Maintenance Facility 17 South Commerce Way Lehigh Valley, PA 18002-9371	Northampton County Bethlehem Township	Unnamed Tributary to Monocacy Creek (HQ-CWF, MF) (2-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0004766 (Industrial)	Ellwood National Forge 1 Front Street Irvine, PA 16329-1801	Warren County Brokenstraw Township	Brokenstraw Creek (CWF), Unnamed Tributary to Allegheny River (CWF), and McKinney Run (CWF) (16-B and 16-F)	Yes

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

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0051934**, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Issuance of NPDES Permit for existing discharge of treated sewage.

**NPDES Permit No. PA0243957**, Storm Water, **Fizzano Brothers Concrete Products, Inc.**, 201 Phoenixville Pike, Malvern, PA 19355-1136.

This existing facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated storm water.

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

**NPDES Permit No. PA0253502**, Industrial, SIC Code 1422, **Colona Transfer LP**, 1755 Pennsylvania Avenue, Monaca, PA 15061.

This proposed facility is located in Monaca Borough, **Beaver County**.



Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of stormwater associated with industrial activity.

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

**NPDES Permit No. PA0287954**, Sewage, SIC Code 8800, **John Zaboroski**, 1370 New Bedford Sharon Road, West Middlesex, PA 16159-4728.

This proposed facility is located in Pulaski Township, **Lawrence County**.

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

**NPDES Permit No. PA0287881**, Sewage, SIC Code 8800, **Michael Conglose**, 241 Catalina Drive, New Castle, PA 16105-4803.

This proposed facility is located in Neshannock Township, **Lawrence County**.

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

**NPDES Permit No. PA0287890**, Sewage, SIC Code 8800, **Robert Kozar**, 171 Bear Creek Road, Prospect, PA 16052-3201.

This proposed facility is located in Harmony Township, **Forest 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. 2308404**, Sewage, **Brookhaven Borough**, 2 Cambridge Road, Brookhaven, PA 19015-1708.

This proposed facility is located in Brookhaven Borough, **Delaware County**.

Description of Action/Activity: Replace existing comminutor with new primary screen.

**WQM Permit No. 1571407**, Sewage, Amendment, **Tredyffrin Township**, 1100 Duportail Road, Berwyn, PA 19312.

This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Action/Activity: Update capacity of Wilson Road PS to 7,000 gpm at 138' TDH and to add the Darby Rd force main.

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

**WQM Permit No. 3719402**, Sewage, **John Zaboroski**, 1370 New Bedford Sharon Road, West Middlesex, PA 16159-4728.

This proposed facility is located in Pulaski Township, **Lawrence County**.

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

**WQM Permit No. 3719401**, Sewage, **Michael Conglose**, 241 Catalina Drive, New Castle, PA 16105-4803.

This proposed facility is located in Neshannock Township, **Lawrence County**.

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

**WQM Permit No. 2719402**, Sewage, **Robert Kozar**, 171 Bear Creek Road, Prospect, PA 16052-3201.

This proposed facility is located in Harmony Township, **Forest County**.

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

**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**

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

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI130044	Hilltown Township 13 W Creamery Road Hilltown, PA 18927	Hilltown Township Bucks County	Mill Creek (TSF, MF) and Unnamed Tributary to Reading Creek (WWF, MF)/WWF, TSF and MF	Y	Y

**V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.**

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.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAI132257	Chapman Borough 1400 Main Street Chapman, PA 18014	Chapman Borough Northampton County	Unnamed Tributary to Monocacy Creek (HQ-CWF, MF)

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130018 Authorization/ Issuance	Bryan Baumgartner 122 Potato Path Rd Kunkletown, PA 18058	Carbon	Towamensing Twp	Wild Creek (HQ-CWF, MF) UNT to Beltzville Lake (HQ-CWF, MF)
PAD390132 Authorization/ Issuance	Kay Mill LLC 5930 Hamilton Blvd Allentown, PA 18106	Lehigh	Upper Milford Twp	UNT to Little Lehigh Creek (HQ-CWF, MF)
PAD390129 Authorization/ Issuance	PLOT 886 LLC 33 Penn St Hellertown, PA 18055	Lehigh	Salisbury Twp	Cedar Creek (HQ-CWF, MF)
PAD390141 Authorization/ Issuance	AP Valley Park LLC 11 E Forty-Fourth St Ste 1000 New York, NY 10017	Lehigh	Bethlehem City	UNT to Monocacy Creek (HQ-CWF, MF)
PAD390150 Authorization/ Issuance	ATAS International Inc. 6612 Snowdrift Rd Allentown, PA 18106	Lehigh	Upper Macungie Twp	Iron Run (HQ-CWF, MF)
PAD480104 Authorization/ Issuance	JERC PARTNERS LII LLC C/O Joseph Correia 171 SR 173 Ste 201 Asbury, NJ 08802-1365	Northampton	Wind Gap Boro Plainfield Twp	UNT to Little Bushkill Creek (HQ-CWF, MF) EV Wetlands

**VII. Approvals to Use NPDES and/or Other General Permits.**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage

- PAG-09 General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
- PAG-09 (SSN) Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
- PAG-10 General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
- PAG-11 General Permit for Discharges from Aquatic Animal Production Facilities
- PAG-12 Concentrated Animal Feeding Operations (CAFOs)
- PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
- PAG-14 (To Be Announced)
- PAG-15 General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC090339	Buckingham Township Bucks County	Robert J. Willard 3960 S. Mallard Lane Doylestown, PA 18902	Unnamed Tributary/Lahaska Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090326 Renewal	Bedminster Township Bucks County	John Beljan 3031 Myers Court Bedminster, PA 18910-0306	Deep Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090318	East Rockhill Township and Perkasie Borough Bucks County	Gregory Thompson 524 Derstine Avenue Lansdale, PA 19446-3537	East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090248 A-1	Doylestown Borough Bucks County	Duffy Oil Terminal Inc. DBA Compass Management Partners 2780 Limekiln Pike Glenside, PA 19038-2203	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC350033 A-1 Authorization/ Issuance	NP Archbald LLC 4825 NW Forty-First St Ste 500 Riverside, MO 64150-7806	Lackawanna	Archbald Boro	UNT to Lackawanna River (CWF, MF) Laurel Run (CWF, MF)	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC390101 Authorization/ Issuance	Whitehall-Coplay School District 2940 Macarthur Rd Whitehall, PA 18052	Lehigh	Whitehall Twp	Coplay Creek (CWF, MF)	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC400124 Authorization/ Issuance	NP Hanover Logistics LLC Eric Watts 4825 NW Forty-First St Ste 500 Riverside, MO 64150	Luzerne	Hanover Twp	Nanticoke Creek (CWF, MF) Warrior Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400155 Authorization/ Issuance	The Quail Hill Co. C/O Comitiz Law Firm LLC Lynn Litz 46 Public Square Ste 101 Wilkes-Barre, PA 18701	Luzerne	Pittston Twp Dupon Borol Avoca Boro	Mill Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC480096 Authorization/ Issuance	Turkey Hill Minit Markets Nancy Bigger 302 W Third St Fl 3 Cincinnati, OH 45202	Northampton	Lehigh Twp	UNT to Lehigh River (CWF, MF)	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
<i>Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4802.</i>					
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC070062 Issued	Blair County Airport Authority 310 Airport Drive Suite 6 Martinsburg, PA 16662	Blair	North Woodbury Township	UNT Plum Creek (WWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210067 A-1 Issued	Country Club Homes, LP 200 Bailey Drive Suite 202 Stewartstown, PA 17363-7944	Cumberland	Silver Spring Township	Conodoguinet Creek, WWF (MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210177 Issued	SSR Developers, LLC 1440 Armitage Way Mechanicsburg, PA 17050	Cumberland	Hampden Township	UNT Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210184 A-1 Issued	DGK Real Estate, LP 3435 Market Street Camp Hill, PA 17011-4428	Cumberland	Middlesex Township	UNT Spring Creek (WWF, MF) UNT Conodoguinet (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812

## NOTICES

1887

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC210181 Issued	847A Pinetown Road, LLC 847 Pinetown Road Lewisberry, PA 17339	Cumberland	Lower Allen Township	Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210174 A-1 Issued	East Pennsboro Area School District 890 Valley Street Enola, PA 17025-1541	Cumberland	East Pennsboro Township	UNT Conodoguinet Creek (WWF, MF) Susquehanna River (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210187 Issued	Upper Allen Township 100 Gettysburg Pike Mechanicsburg, PA 17055	Cumberland	Upper Allen Township	UNT Yellow Breeches Creek (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220181 Issued	Gregory Luttrell 3633 Roundtop Road Elizabethtown, PA 17022	Dauphin	Londonderry Township	UNT Iron Run (WWF) Iron Run (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220212 Issued	Thermo Fisher Scientific, Inc. 163 Research Lane Millersburg, PA 17061	Dauphin	Mifflin Township	UNT Little Wiconisco Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220213 Issued	Ender LDP 5912 Linglestown Road Harrisburg, PA 17112	Dauphin	Lower Paxton Township	UNT Paxton Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC380156 Issued	PennDOT Section 8 2140 Herr Street Harrisburg, PA 17103	Lebanon	North Cornwall Township	Snitz Creek, TSF, MF, UNT to Beck Creek, TWS, MF	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380121 Issued	Realty Palmyra, Inc. 1602 Wood Street Scranton, PA 18508	Lebanon	East Hanover Township	UNT to Raccoon Creek, WWF, Raccoon Creek, WWF	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

## NOTICES

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC380165 Issued	PA Air National Guard 1500 York Road Annville, PA 17003	Lebanon	Union Township	Qureg Run, WWF	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380167 Issued	Keystone Services System, Inc. 4391 Sturbridge Drive Harrisburg, PA 17110	Lebanon	East Hanover Township	UNT Raccoon Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380160 Issued	Lebanon Federal Credit Union 120 South 16th Street Lebanon, PA 17042	Lebanon	South Annville Township	UNT Quittapahilla Creek	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC670353 Issued	Church of Jesus Christ of Latter-Day Saints 50 East North Temple Street Salt Lake City, UT 84150	York	Shrewsbury Township	Deer Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670017 Issued	Fox Clearing, LLC 217 Granite Run Drive Suite 100 Lancaster, PA 17601	York	Stewartstown Borough	UNT Ebaughs Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

*General Permit Type—PAG-03*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAR800089	Falls Township Bucks County	National RR Passenger Corp 400 W. 31st Street Floor 4 New York, NY 10001-4606	Unnamed Stream 2-E	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
PAG036272	Donora Borough Washington County	Cactus Wellhead LLC 920 Memorial City Way Houston, TX 77024	Monongahela River (WWF)—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG038383	Middlesex Township Butler County	JW Marshall Inc. 109 Browns Hill Road Valencia, PA 16059-3101	Unnamed Tributary of Glade Run (WWF)—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-10*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG106225	East Finley Township Washington County	CNX Gas Co. LLC 1000 Consol Energy Drive Cannonsburg, PA 15317	Enlow Fork (TSF) and Unnamed Tributary to Enlow Fork (WWF)—20-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
PAG106224	Cumberland Township Greene County	Equitrans LP 2200 Energy Drive Canonsburg, PA 15317	Little Whiteley Creek (WWF)—19-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-13*

<i>Permit No.</i>	<i>Facility Location Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG130135	Norwood Borough Delaware County	Norwood Borough P.O. Box 65 10 W Cleveland Avenue Norwood, PA 19074-0065	Muckinipattis Creek (WWF, MF) and Darby Creek (WWF, MF) 3-Gd	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
PAG132318	East Stroudsburg Borough Monroe County	East Stroudsburg Borough 24 Analomink Street East Stroudsburg, PA 18301-2801	Unnamed Tributary to Brodhead Creek (TSF, MF), Brodhead Creek (CWF (existing use)), and Sambo Creek (CWF, MF)—1-E	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be

sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and

procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

#### **Permit No. 5419508MA**, Public Water Supply.

Applicant	<b>Schuylkill County Municipal Authority</b> 221 South Centre Street Pottsville, PA 17901
Township or Borough	Mahanoy Township, <b>Schuylkill County</b>
Responsible Official	Troy Miller Environmental Manager Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901
Type of Facility	PWS
Consulting Engineer	Bruce A. Brubaker, P.E. Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011
Permit Issued	February 6, 2020

#### **Permit No. 3480026**, Operation Permit, Public Water Supply.

Applicant	<b>Hillendale-on-the-Delaware, Inc.</b> 4474 Second Terrace Bangor, PA 18013
Municipality	Lower Mount Bethel Township
County	<b>Northampton</b>
Type of Facility	Public Water Supply
Consulting Engineer	Patrick J. Ward, P.E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit to Operate Issued	March 12, 2020

#### **Permit No. 3391038**, Transfer of Operation Permit, Public Water Supply.

Applicant	<b>Cornerstone Living Management, LLC</b> (formerly Cornerstone Living, Inc.) 4605 Werleys Corner Road New Tripoli, PA 18066
Municipality	Weisenberg Township
County	<b>Lehigh</b>
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit to Operate Issued	March 16, 2020

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Loganton Municipal Water Association (Public Water Supply), Clinton County:** On March 11, 2020, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Loganton Municipal Water Association community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, PG, (570) 327-3422).

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

#### **Permit No. 5619508**, Major Amendment. Public Water Supply.

Applicant	<b>Addison Area Water Authority</b> P.O. Box 13 Addison, PA 15411
Borough or Township	Addison Borough and Addison Township
County	<b>Somerset</b>
Type of Facility	Water system improvements
Consulting Engineer	Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued	March 16, 2020

#### **Permit No. 3018518**, Major Amendment. Public Water Supply.

Applicant	<b>The Monongalia County Coal Company</b> 46446 National Road St. Clairsville, OH 43950
Borough or Township	Wayne Township
County	<b>Greene</b>
Type of Facility	Water system improvements
Consulting Engineer	CME Management LP 165 East Union Street Suite 100 Somerset, PA 15501
Permit Issued	March 16, 2020



**Permit No. 1119507MA, Minor Amendment.** Public Water Supply.

Applicant **Gallitzin Borough Water Authority**  
411 Convent Street  
Suite 10  
Gallitzin, PA 16641

Borough or Township Gallitzin Township

County **Cambria**

Type of Facility Water system improvements

Consulting Engineer LR Kimball  
615 West Highland Avenue  
Ebensburg, PA 15931

Permit Issued March 16, 2020

**Permit No. 0219547MA, Minor Amendment.** Public Water Supply.

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

Borough or Township City of Pittsburgh

County **Allegheny**

Type of Facility Water system improvements

Consulting Engineer Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit Issued March 16, 2020

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017**, Wayne Township, **Greene County** on March 13, 2020 for the operation of facilities approved under permit # 3018517MA for use of the operation of approximately 9,360 feet of 8-inch diameter waterline along Yeager Road (Yeager Road Waterline Project).

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID No. 5020039**, Peters Township, **Washington County** on March 11, 2020 for the operation of facilities approved under permit # 0220506 for the replacement pump at the Snowberry Booster Pump Station.

**Operations Permit** issued to: **The Monongalia County Coal Company**, 46446 National Road, St. Clairsville, OH 43950, **PWSID No. 5300837**, Wayne Township, **Greene County** on March 16, 2020 for the operation of facilities approved under permit # 3096502-T1 for the operation of the Kuhntown Portal public water supply system formerly owned by Consol Energy, Inc.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act)

(35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Scheuermann Property**, 125 Washington Drive, Hawley, PA 18428, Porter Township, **Pike County**. Mobile Environmental Analytical, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of John Scheuermann, 125 Washington Drive, Hawley, PA 18428, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Residential Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report

provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**284 Sawkill Road Property**, 284 Sawkill Road, Milford, PA 18337, Dingman Township, **Pike County**. Envirosearch Consultants, P.O. Box 940, Springhouse, PA 19477, on behalf of Federal National Mortgage Association, 14221 Dallas Parkway # 1000, Dallas, TX 75265, submitted a final report concerning remediation of soil and groundwater contaminated by a release of heating oil from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on March 12, 2020.

**Ruland Property**, 436 West South Street, Slatington Borough, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Kim Ruland, 436 West South Street, Slatington, PA 18080, submitted a final report concerning remediation of soil contaminated by a release of heating oil from a leaking furnace check valve. The report was intended to document remediation of the site to meet Statewide Health Standards but was disapproved by DEP on March 16, 2020.

**Roehrich Property**, 970 Vine Street, Macungie Borough, **Lehigh County**. Moonstone Environmental, 1150 Glenlivet Drive, Suite A23, Allentown, PA 18106, on behalf of Christian Roehrich, 970 Vine Street, Macungie, PA 18062, submitted a final report concerning remediation of soil contaminated by a release of kerosene from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on March 16, 2020.

**R. Squier Pad 1**, 9968 North Weston Road, Brooklyn Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a final report concerning remediation of soil contaminated by a release found during pad grading at a natural gas well drilling operation. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on March 16, 2020.

**Cannella SUS Well Pad**, 808 Hollett Road, Montose, PA 18801, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 300 North Second Street, 5th Floor, Harrisburg, PA 17101, submitted a Final Report concerning remediation of soil contaminated by a release of production fluid (brine) from a storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on March 16, 2020.

*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 Final Report concerning the remediation of site soil and site groundwater contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Methyl Tertiary-Butyl Ether, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on March 16, 2020.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP4-06-03048: Fusion Coatings, Inc.** (932 West Penn Avenue, Robeson, PA 19551) on March 10, 2020, for the two existing natural gas-fired burnoff ovens, under GP4, at the coating facility located in Robeson Borough, **Berks County**.

**GP1-21-03095: Schreiber Foods, Inc.** (208 East Dykeman Road, Shippensburg, PA 17257) on March 10, 2020, for four existing natural gas-fired boilers, under

GPI, at the dairy products manufacturing facility located in Shippensburg Township, **Cumberland County**. The general permit authorization was renewed.

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**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05146C: EPP Renewable Energy, LLC** (3049 River Road, Conestoga, PA 17516) on March 10, 2020, for the installation of a 10.68 MMBtu/hr Candlestick Flare at the EPP Renewable Energy LLC landfill gas-to-energy installation associated with the Frey Farm Creswell Landfill located in Manor Township, **Lancaster County**.

*City of Philadelphia—Public Health, Philadelphia Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104-4543.*

**IP16-000276:** On March 5, 2020, AMS issued a Reasonably Available Control Technology (RACT II) Plan Approval for **AdvanSix Resins & Chemicals LLC—Frankford Plant**, located in Philadelphia, **Philadelphia County**.

Also, in accordance with 25 Pa. Code §§ 129.91—129.100, AMS has made a preliminary determination to approve a RACT II plan to be submitted as part of the PA State Implementation Plan (SIP) for AdvanSix's chemical plant.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT approval for the facility, which are intended to satisfy the requirements for the 2008 and 2015 National Ambient Air Quality Standards (NAAQS) for ozone. The proposed RACT plan, if approved by DEP, will be issued as a RACT Pan Approval and incorporated into the facility's Title V operating permit (OP16-00032) through modification or renewal. The relevant RACT II requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT II approval will be excluded from the SIP submittal.

The proposed RACT II requirements for this facility that are proposed to be submitted to the EPA as part of the SIP, are that Boiler # 1, Boiler # 2, Boiler # 3, and Phenol Tank Car Loading shall comply with the following:

I. Requirements for all sources under this group

**NO<sub>x</sub> RACT II**

*Boilers # 1 and # 2 (each 260 MMBtu/hr):*

- Boiler # 1 and Boiler # 2 shall only burn natural gas and waste phenol residue except if there is a natural gas curtailment, other loss of supply (e.g. PGW supply line

failure or maintenance activity) or during stack testing programs (e.g. annual CEM RATA testing, annual combustion tuning, and combustion performance testing, as required). During such events No. 6 fuel oil may be used.

- AdvanSix shall perform, at a minimum, the annual combustion tuning specifications as cited in 25 Pa. Code § 129.93(b)(2)—(5) for Boilers # 1, # 2, and # 3.

- The emission rates for Boiler # 1 & # 2.

(1) Shall not exceed 0.28 pound of NO<sub>x</sub> per MMBtu each, on a rolling 30-day average, while burning natural gas, waster phenol residue, or a combination of these fuels;

(2) Shall not exceed and 0.35 pound of NO<sub>x</sub> per MMBtu each while burning No. 6 oil;

(3) The combined NO<sub>x</sub> emissions for Boiler # 1 and Boiler # 2 shall not exceed 272 tons per year.

*Boiler # 3 (381 MMBtu/hr)*

- Boiler # 3 No. 6 oil usage shall be less than 1% of the unit's annual fuel consumption on a heat input basis based on a 12-month rolling average.

- The emission rate of Boiler # 3 shall not exceed 0.10 pound of NO<sub>x</sub> per MMBtu heat input based on a rolling 30-operating day average while burning natural gas or 0.3 pound of NO<sub>x</sub> per MMBtu while burning No. 6 oil.

AdvanSix shall perform, at a minimum, the annual combustion tuning specifications as cited in 25 Pa. Code § 129.93(b)(2)—(5) for Boilers # 1, # 2, and # 3.

**VOC RACT II**

*Boilers # 1, # 2, and # 3*

The annual combustion tuning also proposed as VOC RACT II for these boilers.

**Phenol Tank Car Loading**

Phenol Tank Car Loading shall be operated with good operating practices. During the loading process, if any issues occur, including spills, which could potentially cause excess VOC emissions, the process shall be stopped immediately by hitting the emergency stop mechanism. VOC emissions from Phenol Tank Car Loading shall not exceed 7.93 tons per rolling 12-month period.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05142A: Johnson Controls, Inc.** (100 JCI Way, York, PA 17406) on March 11, 2020, for the installation of a spray coating booth, at a new industrial air handling equipment manufacturing facility located at 100 JCI Way in East Manchester Township, **York County**. The plan approval was extended.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**14-00003J: Penn State University** (208 Office of Physical Plant, University Park, PA 16802) was issued an extension to this authorization to allow for completion of the construction of the Agricultural Digester project including the project emission units by no later than August 24, 2020. The project site is in College Township, **Centre County**. The plan approval has been extended to above.

**08-00009A: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, Houston, TX 77002) was issued an extension to plan approval for an additional 180 days on February 3, 2020, to permit continued operation of their Solar Titan 130 Gas Turbine (Source ID P201) pending completion of the compliance evaluation on the source. The source is located in Troy Township, **Bradford County**.

**55-00026A: Hummel Station LLC** (Old Trail Road, P.O. Box 517, Shamokin Dam, PA 17876) was issued an extension for an additional 180 days on February 3, 2020, to permit continued operation of the combined cycle natural gas fired turbine electrical generating facility pending completion of the compliance evaluation on the facility. The facility is located in Shamokin Dam Borough, **Snyder County**.

**55-00001F: Hummel Station LLC** (Old Trail Road, P.O. Box 517, Shamokin Dam, PA 17876) was issued an extension for an additional 180 days on February 3, 2020, to permit continued operation of the mechanical draft cooling tower as part of the combined cycle natural gas fired turbine project at their facility. The facility is located in Shamokin Dam Borough, **Snyder County**.

**19-00028A: White Pines Corp.** (515 State Route 442, Millville, PA 17846) on March 5, 2020, to extend the authorization an additional 180 days in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility in Pine Township, **Columbia County**. The extension authorization allows continued leachate pre-treatment operation at the facility. The plan approval has been extended.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**15-00114: Action Manufacturing Company** (500 Bailey Crossroads, Atglen, PA 19310) on March 2, 2020, for the renewal of a Non-Title V Facility, State-Only, Natural Minor Operating Permit for a facility that produces ordinance detonators and detonator components in West Fallowfield Township, **Chester County**.

**15-00114: Action Manufacturing Company** (500 Bailey Crossroads, Atglen, PA 19310) on March 2, 2020, for the renewal of a Non-Title V Facility, State-Only, Natural Minor Operating Permit for a facility that produces ordinance detonators and detonator components in West Fallowfield Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**48-00038: Specialty Minerals, Inc.** (640 N. 13th Street, Easton, PA 18042-1431). On March 6, 2020, the Department issued a renewal State-Only (Natural Minor) Permit for the commercial physical research services facility in Easton, **Northampton County**. The primary sources are boilers and machine shops. The control devices are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), 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 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03186: Klines Services, Inc.** (5 Holland Street, Salunga, PA 17538-1118) on March 9, 2020, for the anaerobic digestion facility located in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

**06-03126: Lehigh Cement Co., LLC** (204 Windsor Avenue, Hamburg, PA 19526-8341) on March 10, 2020, for the mortar and cement manufacturing facility located in Windsor Township, **Berks County**. The State-only permit was renewed.

**38-03001: Lebanon Chemical Corp.** (1600 East Cumberland Street, Lebanon, PA 17042-8323) on March 10, 2020, for the fertilizer manufacturing facility located in South Lebanon Township, **Lebanon County**. The State-only permit was renewed.

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

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

**49-00036: Anthracite Industries, Inc.** (610 Anthracite Road, Sunbury, PA 17801) on March 13, 2020, for their Sunbury facility located in Upper Augusta Township, **Northumberland County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**47-00012: HRI, Inc.** (1750 West College Avenue, State College, PA 16801) on February 13, 2020 issued a renewal State Only operating permit for their hot mix asphalt plant located in Liberty Township, **Montour County**. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**33-00147: Dominion Energy Transmission, Inc.** (5000 Dominion Blvd, Glen Allen, VA 23060). On March 16, 2020, the Department renewed the State Only Oper-

ating Permit for the natural gas compressor station located in Gaskill Township, **Jefferson County**. The primary sources at the facility include a 1,775 hp natural gas fueled compressor engine and a glycol dehydrator equipped with a 500,000 Btu/hr natural gas fueled burner. The facility is a Natural Minor. Potential emissions are 11.84 tpy VOC; 30.07 tpy CO; 6.63 tpy NO<sub>x</sub>; 1.91 tpy for all HAPs combined; less than 1 tpy Particulate Matter; and less than 1 tpy SO<sub>x</sub>. The dehydrator is subject to 40 CFR Part 63 Subpart HH, the NESHAP for Oil & Natural Gas Production Facilities. The compressor engine is subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**37-00321: New Castle Recycling** (215 Gardner Ave, New Castle, PA 16101-3926). On March 11, 2020, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the scrap metal cutting facility located in the City of New Castle, **Lawrence County**. The facility's primary emission sources include the scrap cutting of large objects under a metal hood that is controlled by a baghouse and yard cutting of smaller carbon steel (with minimal amounts of nickel and chrome) and aluminum scrap. Particulate emissions from the exhaust of the baghouse are estimated at 0.029 TPY. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**42-00192: IA Construction Corporation, McKean Asphalt Plant** (7024 Highway 59, Lewis Run, PA 16738), on March 4, 2020, the Department issued the renewal of the State-Only Operating Permit of a hot mix asphalt (HMA) plant located in Lafayette Township, **McKean County**. Permitted air contamination sources are a HMA batch plant, fugitive emissions from transfer points, and a portable crushing/screening plant. The HMA plant is subject to requirements established through PA 42-192D. To maintain its CO emissions below the 100-TPY major source threshold, the facility has an annual HMA throughput restriction of 495,000 tons. In this renewal, permit conditions for the portable crushing/screening plant based on conditional exemptions pursuant to 25 Pa. Code § 127.14(a)(8), items # 6 (for engines) and # 12 (for portable crushers) are removed because they are not regulations and, therefore, not enforceable. A propane storage tank no longer at the site is removed from the operating permit. Permit language on use of shingles in the process is revised based on the RFD approved on May 19, 2010. Implementation of 40 CFR 60 Subpart I for the HMA plant's stack emissions and fugitive emissions are corrected. With PA 42-192D having conditions on increasing permitted throughputs that involve stack testing, provisions on source test submittals are added to the operating permit.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05012: Transcontinental Gas Pipe Line Co., LLC** (99 Farber Road, Princeton, NJ 08540-5917) on March 10, 2020, for the natural gas pipeline compressor station located in Peach Bottom Township, **York County**. The Title V permit was administratively amended in order to reflect a change of responsible official.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**32971302 and NPDES Permit No. PA0215040. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit for Dutch Run Mine located in Washington Township, **Indiana County**. No additional discharges. The application was considered administratively complete on February 5, 2019. Application received: July 17, 2017. Permit issued: March 6, 2020.

**30121301 and NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES Permit for installation of two boreholes for Harvey Mine located in Richhill and Morris Townships, **Greene County**, affecting 4.6 proposed surface acres. No additional discharges. The application was considered administratively complete on August 28, 2019. Application received: July 2, 2019. Permit issued: March 6, 2020.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit No. 56890102 and NPDES No. PA0598372. Svonavec, Inc.**, 2555 New Centerville Road, Rockwood, PA 15557, permit renewal for reclamation only of a bituminous surface and auger mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving stream(s): unnamed tributaries to/and Casselman River, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Ohiopyle Borough Municipal Waterworks Youghioghney River SWW. Application received: August 5, 2019. Permit Issued: March 9, 2020.

**Permit 32130108. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface & auger mine in

Blacklick, Center & Young Townships, **Indiana County**, affecting 163.2 acres. Receiving stream(s): unnamed tributaries to/and Aultmans Run to Conemaugh River, unnamed tributaries to/and Reeds Run to Aultmans Run to Conemaugh River classified for the following use(s): TSF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 22, 2019. Permit Issued: March 11, 2020.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Cayleigh Boniger).*

**16190103 and NPDES Permit No. PA0280739. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface mine in Piney Township, **Clarion County** affecting 61.0 acres. Receiving streams: Unnamed tributary to Licking Creek. Application received: October 29, 2019. Permit Issued: March 9, 2020.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**17040111. Swisher Contracting, Inc.**, P.O. Box 1223, Clearfield, PA 16830, permit renewal for postmining treatment system on a bituminous surface coal mine located in Lawrence Township, **Clearfield County** affecting 41.8 acres. Receiving stream(s): Unnamed Tributary to Moose Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2020. Permit issued: March 9, 2020.

**17980115 and NPDES PA0238074. Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Decatur and Woodward Townships, **Clearfield County** affecting 60.5 acres. Receiving stream(s): Unnamed Tributary to Beaver Run and Beaver Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 19, 2019. Permit issued: March 9, 2020.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**14204101. Douglas Explosives Inc.**, 2052 Philipsburg Bigler Highway, Philipsburg, PA 16866, blasting for residential development for The Horizons at Brush Valley located in Patton Township, **Centre County** with an expiration date of March 1, 2021. Permit issued: March 10, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 38204103. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction

blasting for Bell and Evans Plant 3A in Bethel Township, **Lebanon County** with an expiration date of February 21, 2021. Permit issued: March 10, 2020.

**Permit No. 39204101. Schlouch, Inc.** (P.O. Box 69, Blandon, PA 19510), construction blasting for Ridings at Parkland Phase 1 in North Whitehall Township, **Lehigh County** with an expiration date of March 2, 2021. Permit issued: March 10, 2020.

**Permit No. 39204102. Schlouch, Inc.** (P.O. Box 69, Blandon, PA 19510), construction blasting for Lehigh Hills Apartments in Upper Macungie Township, **Lehigh County** with an expiration date of March 3, 2021. Permit issued: March 10, 2020.

**Permit No. 67204102. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Dover High School in Dover Township, **York County** with an expiration date of February 20, 2021. Permit issued: March 10, 2020.

**Permit No. 67204104. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for FedEx Lewisberry Parking Lot in Fairview Township, **York County** with an expiration date of February 21, 2021. Permit issued: March 10, 2020.

**Permit No. 40204107. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Eagle Rock Resort in Bear Creek, Black Creek, Hazle and Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of April 30, 2022.

**Permit No. 49204001. Pettigrew, Inc.** (132 Homestead Court, Woolwich Township, NJ 08085), demolition blasting at Viking Energy Tractebel Power Plant for the demolition of boiler unit and turbine room section in Point Township, **Northumberland County** with an expiration date of March 15, 2020. Permit issued: March 11, 2020.

**Permit No. 06202102. Schlouch, Inc.** (P.O. Box 69, Blandon, PA 19510), construction blasting for Hamburg Commerce Lot 2 in Perry Township, **Berks County** with an expiration date of March 3, 2021. Permit issued: March 13, 2020.

**Permit No. 6620411. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk site development in Lemon Township, **Wyoming County** with an expiration date of April 30, 2022. Permit issued: March 16, 2020.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency

Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E3502219-005. BHR Development Group, LLC**, 1210 Wheeler Avenue, Dunmore, PA 18510. Jessup Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To authorize the following water obstructions and encroachments associated with the proposed BHR Distribution Center:

1. To place fill in eight (8) isolated PEM/PSS wetland areas permanently impacting a total of 0.78 acre for the purpose of construction a 750,000 sq ft warehouse facility, access road, parking lot, and associated grading.

2. To place fill in four (4) isolated, palustrine, open water wetlands impacting a total of 0.07 acre for the purpose of constructing a 750,000 sq ft warehouse facility, access road, parking lot, and associated grading.

3. To create 0.91 acre of PEM/PSS wetland, to replace the 0.85 acre of PEM/PSS/POW wetlands impacted by the project.

The project is located at approximately 0.4 mile south on Moosic Lake Road (SR 247) from the intersection with Exit 3 of U.S. Route 6 East (Olyphant, PA Quadrangle Latitude: 41° 27' 19" Longitude: -75° 33' 44") in Jessup Borough, Lackawanna County.

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

To remove the existing structure and to construct and maintain a road crossing of Choconut Creek (WWF, MF) consisting of a pre-cast concrete arch structure having a span of 32-foot and an underclearance of 9.8-foot. The project also includes the installation of approx. 75 l.f. of pre-cast retaining wall along the Hurley Brook immediately adjacent to the arch structure along Carmalt Road (T-695) (Laurel Lake, PA Quadrangle Latitude: 41° 55' 55.6" Longitude: -75° 59' 39.4") in Choconut Township, Susquehanna County.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG295819044-00  
Applicant Name SWN Production Company, LLC  
Contact Person Afton Sterling  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Smith Creek (HQ, CWF-MF) and UNT thereto, UNT to East Lake Creek (HQ, CWF-MF), UNT to Mitchell Creek (CWF-MF)

ESCGP-3 # ESG295819045-00  
Applicant Name SWN Production Company, LLC  
Contact Person Afton Sterling  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Smith Creek (HQ, CWF-MF) and UNT thereto, UNT to East Lake Creek (HQ, CWF-MF)

ESCGP-3 # ESG291819001-01  
 Applicant Name Dominion Energy Transmission, Inc.  
 Contact Person John M. Lamb  
 Address 925 White Oaks Boulevard  
 City, State, Zip Bridgeport, WV 26330  
 County Clinton  
 Township(s) Leidy  
 Receiving Stream(s) and Classification(s) UNT to Turtle  
 Point Hollow (EV), Drury Run (EV), Road Hollow (EV),  
 and Kates Hollow (EV)  
 Secondary: Turtle Point Hollow (EV), West Branch  
 Susquehanna River (WWF), Kettle Creek (EV), and  
 Road Hollow (EV)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Merry Maid Novelties**, Storage Tank ID # 48-41208, 25 West Messinger Street, Bangor Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Merry Maid Novelties, 25 West Messinger Street, Bangor, PA 18013 has submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Gulf Service Station No. 143665/V1553**, Storage Tank Primary Facility ID # 02-09187, 4801 Centre Avenue, Pittsburgh, PA 15213, City of Pittsburgh, **Allegheny County**. Kleinfelder, Inc., 51 Dutilh Road, Suite 240, Cranberry Township, PA 16066, on behalf of Cumberland Farm, Inc., 165 Flanders Road, Westborough, MA 01702, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site-specific standard.

**CoGo's # 802**, Storage Tank Primary Facility ID # 65-32338, 219 East Pittsburgh Street, Greensburg, PA 15601, City of Greensburg, **Westmoreland County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document remediation of the site to meet the non-residential Statewide health standard.

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

**Wayne Pumps**, Storage Tank Facility ID # 32-81999, 1194 Wayne Avenue, White Township, **Indiana County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Robert and Beverly Benkowski, 4303 West Lake Drive, Cambridge, NE 69022-6112 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with benzene and soil contaminated with benzene and 1,2,4 trimethylbenzene. The plan is intended to document the remedial actions for meeting the Site-Specific Standard in soil and groundwater.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling meth-



odology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Phillips 66 Site No. 5642**, Storage Tank ID # 39-41527, 741 North Cedar Crest Boulevard, Allentown City, **Lehigh County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19321, on behalf of Phillips 66 Company, 1400 South Park Avenue, Linden, NJ 07036, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet Site-Specific Standards and was approved by DEP on March 12, 2020.

**Turkey Hill Minit Market 114**, Storage Tank ID # 48-41707, 4205 Lehigh Drive, Lehigh Township, **Northampton County**. Comstock Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Dillon Companies, Inc./Kroger (Turkey Hill), 257 Centerville Road, Lancaster, PA 17603 has submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was not acceptable to meet Statewide Health Standards and was disapproved by DEP on March 13, 2020.

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

**Country Fair 43**, Storage Tank Facility ID # 25-09234, 3826 Peach Street, City of Erie, **Erie County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Country Fair Stores, Inc., 2251 East 30th Street, Erie, PA 16510, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, cumene, naphthalene, methyl tertiary butyl ether, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on March 13, 2020.

**United Refining Company of PA**, Storage Tank Facility ID # 62-90266, 15 Bradley Street, Warren, PA 16365-0780, City of Warren, **Warren County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of Pennsylvania, 15 Bradley Street, P.O. Box 688, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropyl benzene, naphthalene, MTBE, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on March 16, 2020.

**Joy Cone Manufacturing**, Storage Tank Facility ID # 43-16530, 3435 Lamor Road, City of Hermitage, **Mercer County**. Compliance Environmental Services, P.O. Box 186, West Middlesex, PA 16159, on behalf of Joy Cone Company, 3435 Lamor Road, Hermitage, PA 16148, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropylbenzene (cumene), naphthalene, methyl tertiary butyl ether, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on March 16, 2020.

**Tom Dylewski Service**, Storage Tank Facility ID # 25-05386, 4421 Pine Avenue, City of Erie, **Erie County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Mark Dylewski, 4421 Pine Avenue, Erie, PA 16504 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethyl benzene, xylenes, cumene, naphthalene, MTBE, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on March 16, 2020.

**Country Fair 64**, Storage Tank Facility ID # 42-91548, 8 West Washington Street, City of Bradford, **McKean County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropyl benzene, naphthalene, MTBE, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on March 16, 2020.

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## SPECIAL NOTICES

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### AIR QUALITY

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#### Air Quality Plan Approvals.

*Southeast Region: 2 E. Main Street, Norristown, PA 19401.*

**Sunoco Partners Marketing & Terminals, L.P. (SPMT) for the Marcus Hook Industrial Complex:** To prevent the possible spread of COVID-19, the Pennsylvania Department of Environmental Protection (DEP) has canceled the public hearing scheduled for April 2, 2020 to gather public input regarding its intent to issue two draft Air Quality Plan Approvals to Sunoco Partners Marketing & Terminals, L.P. (SPMT) for the Marcus Hook Industrial Complex in Marcus Hook Borough, **Delaware County**. The hearing had been advertised in the *Pennsylvania Bulletin*, via a press release, and on the project webpage.

Interested individuals are invited to submit written comments, suggestions, support, or objections regarding the draft Plan Approvals, which must be received by April 12, 2020 11:59 PM. Written comments should be mailed to the Air Quality Program, 2 E. Main Street, Norristown, PA 19401. Comments may also be submitted online at RA-epSEROaqpubcom@pa.gov with the subject designating which draft Plan Approval the comment is intended for. All comments, whether submitted in writing or delivered at hearings carry equal weight.

Copies of the applications, review memos, and draft plan approvals are available for review online at

www.dep.pa.gov/southeast or as hard copies at the Mary M. Campbell Marcus Hook Public Library, 1015 Green Street, Marcus Hook, PA 19061.

*City of Philadelphia—Public Health, Philadelphia Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104-4543.*

Notice of Proposed certification that **Air Management Services (AMS)** is meeting its obligation to submit all required case-by-case Reasonably Available Control Technology (RACT) determinations and Nitrogen Oxide (NO<sub>x</sub>) averaging plans to EPA Region 3 for approval into the **Philadelphia County** portion of the Pennsylvania state implementation plan (SIP).

AMS is proposing to certify that it is meeting its obligation to submit all required case-by-case Reasonably Available Control Technology (RACT) determinations and Nitrogen Oxide (NO<sub>x</sub>) averaging plans to EPA Region 3 for approval into the Philadelphia County portion of the Pennsylvania state implementation plan (SIP). PADEP is required by EPA's May 9, 2019 conditional approval of Pennsylvania's Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs (46 Pa.B. 2036; April 23, 2016) (84 FR 20274), to certify that 1) all facility-wide or system-wide NO<sub>x</sub> averaging plans approved by PADEP under 25 Pa. Code § 129.98 and 2) all source-specific RACT determinations approved by PADEP under 25 Pa. Code § 129.99 (case-by-case RACT) are submitted to EPA for approval into the Pennsylvania SIP. As a separate local air pollution control agency approved by PADEP, ACHD must make a similar certification for sources in Allegheny County. With this public notice, ACHD is certifying that the following facilities have met the 2008 case-by-case RACT and/or the NO<sub>x</sub> averaging requirements and have been public noticed as air quality permit revisions, as well as SIP revisions: PES Refinery and Tank Farm, AdvanSix—Frankford Plant, Kinder Morgan Liquid Terminals, Vicinity—Schuylkill, Grays Ferry Cogeneration, Newman and Company, Philadelphia Shipyard, Naval Surface Warfare Center, and Exelon—Richmond. AMS further certifies that these are the only sources in Philadelphia County subject to averaging plans or case-by-case RACT. Therefore, AMS has met its obligations under EPA's May 9, 2019 conditional approval. Upon issuance of the final case-by-case RACT permits, AMS will submit to Pennsylvania this certification and the above group of the case-by-case RACT permits for inclusion in the Pennsylvania SIP.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue RACT II Plan Approval Permit IP16-000269—Correction to a March 6, 2020 Notice.**

*City of Philadelphia—Public Health, Philadelphia Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104-4543.*

**IP16-000269:** This notice is a correction to a notice published in the March 6, 2020 *Pennsylvania Bulletin*. Notice of the ability to request a public hearing and the tentative April 14, 2020 public hearing date were inadvertently left out of the public notice. More details about the tentative public hearing can be found near the end of this notice.

Approval of a Reasonably Available Control Technology (RACT II) Plan for **Philadelphia Energy Solutions Refining and Marketing LLC—Refinery and Tank**

**Farm**, located in Philadelphia, **Philadelphia County**. While the refinery processes have been out of operation since June 2019 and are not expected to re-start, AMS is required to proceed with the PES RACT II evaluation.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Air Management Service (AMS) has made a preliminary determination to approve a RACT II Plan Approval and an amendment to the State Implementation Plan (SIP) for the Philadelphia Energy Solutions (PES)—Refinery and Tank Farm owned and operated by Philadelphia Energy Solutions Refining and Marketing LLC in Philadelphia, Philadelphia County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT approval for the facility, which are intended to satisfy the requirements for the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into RACT II Plan Approval No. IP16-000269 for the facility. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit (OP16-00016 and OP16-000027) for the facility. Therefore, this notice serves as the public's only opportunity under Title V to provide comments on record for this proposed permit action. The relevant RACT II Plan Approval requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

**NO<sub>x</sub> RACT II**

*Boilers and Heaters rated between 90 MMBtu/hr and 660 MMBtu/hr, each burns refinery fuel gas*

- NO<sub>x</sub> emissions from each of the following units shall not exceed 0.25 lb/MMBtu heat input on a rolling 30 operating day average. Compliance shall be determined based on CEMS in accordance with 25 Pa. Code § 129.100(a)(1): # 3 Boilerhouse Boilers # 37, # 39, and # 40; Unit 137 F-2 Heater; Unit 210 H201 Heater; Unit 433 H-1 Heater; and Unit 1332 H-400 and H-401 Heaters.

- NO<sub>x</sub> emissions from Unit 137 F-1 Heater shall not exceed 0.23 lb/MMBtu heat input on a rolling 30 operating day average. Compliance shall be determined based on CEMS in accordance with 25 Pa. Code § 129.100(a)(1).

- The following units shall comply with the NO<sub>x</sub> emission limits by complying with a NO<sub>x</sub> Emissions Averaging Plan in accordance with 25 Pa. Code § 129.98: Unit 137 F-1 and F-2 Heaters; Unit 1332 H-400 and H-401 Heaters; and # 3 Boilerhouse Boilers # 37, # 39, and # 40.

*Process Heaters rated < 50 MMBtu/hr that burn refinery fuel gas*

- Unit 860-2H8 Heater and Unit 1332 H-1, H-3, H-601, and H-602 Heaters shall each comply with a NO<sub>x</sub> emission limit of 0.098 lb/MMBtu.

- Unit 864-PH7 Heater shall comply with a NO<sub>x</sub> emission limit of 0.06 lb/MMBtu.

- AMS proposes the following modification for boilers and heaters with NO<sub>x</sub> emission limits that do not have Continuous Emission Monitors:

- Compliance with emission limits for combustion sources listed below shall be determined based on source testing in accordance with 25 Pa. Code § 129.100(a)(4).

Note: The previous RACT Plan Approval issued to the facility determined compliance based on a quarterly NO<sub>x</sub> portable analyzer test.

#### *Fluid Catalytic Cracking Units (FCCUs)*

- The 868 FCCU NO<sub>x</sub> emissions shall be limited to 100 ppm<sub>dv</sub> at 0% O<sub>2</sub> on a 7-day rolling average 130.2 tons per rolling 365-day period. PES shall follow good combustion practices controlling the level of excess oxygen and CO promoter in the regenerator to minimize NO<sub>x</sub> and VOC emissions from the regenerator. Operators shall be trained according to industry standards.

- A NO<sub>x</sub> Continuous Emission Monitoring System (CEMS) shall be operated on the unit. The 1232 FCCU shall have Selective Catalytic Reduction (SCR). NO<sub>x</sub> emissions shall not exceed 30 ppm<sub>dv</sub> at 0% O<sub>2</sub> on a 7-day rolling average and 208.28 tons per rolling 365-day period. The 1232 FCCU shall be operated with good combustion practices. A NO<sub>x</sub> Continuous Emission Monitoring System (CEMS) shall be operated on the unit.

- AMS proposes to add “Operators shall be trained according to industry standards” to two conditions that reference good combustion practices.

#### *VOC RACT II*

##### *Cooling Towers*

- PES shall utilize an equipment monitoring program in accordance with 40 CFR 63 subpart CC for VOC fugitive emissions from cooling towers.

##### *FCCUs*

- The 868 FCCU condition listed under NO<sub>x</sub> RACT II also serves as VOC RACT II.

- The 1232 FCCU shall vent to the CO Boiler when operating in partial-burn mode and shall follow good combustion practices. Operators shall be trained according to industry standards.

##### *Marine Loading*

- Girard Point Barge Loading of VOC materials with a Reid Vapor Pressure of 4 psi or greater shall vent to a Thermal Oxidizer with a VOC destruction efficiency of at least 98% or control to an outlet of 20 ppm<sub>v</sub> VOC or less. The Thermal Oxidizer shall have a continuous temperature monitor and recorder. VOC emissions from Girard Point Barge Loading of VOC materials with a Reid Vapor Pressure of less than 4 psi shall not exceed 13.9 tons per rolling 12-month period.

- Point Breeze Marine Barge Loading shall not load any VOC materials with a Reid Vapor Pressure of 4 psi or greater. VOC emissions from Point Breeze Marine Barge Loading shall not exceed 25.99 tons per rolling 12-month period.

Copies of the application, AMS analysis, all pertinent documents used in the evaluation of the application, and subsequently prepared proposed RACT II Plan Approval/

SIP are available for public review during normal business hours at 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the previously listed address.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a RACT II Plan Approval, may submit the information to the Chief of Source Registration, 321 University Avenue, Philadelphia, PA 19104. A 30-day comment period from the March 6, 2020 Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Plan Approval including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan Approval.

Persons wishing to request for a public hearing must provide a written request to “Chief of Source Registration” to the previously listed address within 30 days of the March 6, 2020 publication date. If requested by the public, AMS will hold a public hearing to accept comments on the proposed RACT II Plan Approval revision and the proposed SIP revision. The hearing will be held, if requested, on April 14, 2020, at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate their needs.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notice/>.

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#### **Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 15-00010.**

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*Southeast Region: 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

**15-00010:** Approval of a Reasonably Available Control Technology (Alternate RACT II) plan for **ArcelorMittal Plate LLC** located in the City of Coatesville, **Chester County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternate RACT II plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the steel manufacturing facility owned and operated by ArcelorMittal Plate LLC located in the City of Coatesville, Chester County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 and 2008 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT II determination have been incorporated into this revised operating permit 15-00010 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's

State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source I.D.	Source Name	Proposed RACT II
055	Electric Melt Shop Boiler	NO <sub>x</sub> emissions limit ≤ 19.62 tons per 12-month rolling basis and a fuel usage limit of 267 million cubic feet natural gas/12-month rolling period. Testing for NO <sub>x</sub> will be done every 5 years to determine the appropriate emission factor to use in determining compliance. Monitoring and recordkeeping requirements for the amount of fuel used are performed on a monthly basis to determine compliance with the NO <sub>x</sub> emission limit.
104	\D\ Electric Furnace	NO <sub>x</sub> emissions limit ≤ 34.1 tons per month and 340.6 tons per any 12-month rolling period; VOC emissions limit ≤ 49.3 tons per month and 492.9 tons per any 12-month rolling period. The throughput limit is 1.55 million tons of steel produced per year on a 12-month rolling basis. Testing is being performed every 5 years on this source to determine appropriate emission factors to use in determining compliance with the monthly and annual limits on NO <sub>x</sub> and VOC. The amount of steel processed through this source is to be recorded on a monthly and a 12-month rolling basis to determine compliance with the NO <sub>x</sub> emission limit.
136	Batch Heat Treat Furnaces (8 Total)	NO <sub>x</sub> emissions limit from all 8 furnaces combined ≤ 173.6 tons per 12-month rolling period; the amount of natural gas used in all eight sources combined ≤ 2,495.7 million cubic feet per 12-month rolling period. Monitoring and recordkeeping requirements for the amount of fuel used are performed on a monthly basis to determine compliance with the NO <sub>x</sub> emission limit.
146A	145' NAB Furnace	NO <sub>x</sub> emissions limit ≤ 33.7 tons per 12-month rolling period; the amount of natural gas is limited ≤ 481.8 million cubic feet per 12-month rolling period. Monitoring and recordkeeping requirements for the amount of fuel used and hours of operation are performed on a monthly basis to determine compliance with the NO <sub>x</sub> emission limit.
146B	200' NAB Furnace	NO <sub>x</sub> emissions limit ≤ 30.6 tons per 12-month rolling period; the amount of natural gas is limited ≤ 510.0 million cubic feet per 12-month rolling period. Monitoring and recordkeeping requirements for the amount of fuel used and hours of operation are performed on a monthly basis to determine compliance with the NO <sub>x</sub> emission limit.
151	15 Soaking Pits	NO <sub>x</sub> emissions limit from all 15 soaking pits combined ≤ 502.8 tons per 12-month rolling period; the amount of natural gas used in all 15 soaking pits combined ≤ 3,942 million cubic feet per 12-month rolling period. Monitoring and recordkeeping requirements for the amount of fuel used and the hours of operation are performed on a monthly basis to determine compliance with the NO <sub>x</sub> emission limit.
250	Identification Marking	VOC emission limit ≤ 9.40 tons per 12-month rolling period. Monitoring and recordkeeping of the number of spray cans used and the amount of VOC in each can are used to determine compliance with the VOC emission limit.
270	Continuous Spray Casting Chamber	VOC emission limit ≤ 9.02 tons per 12-month rolling period. Steel throughput limit ≤ 820,000 tons per year on a 12-month rolling period. Steel production is to be monitored and recorded on a monthly and 12-month rolling basis, and steel production will be used to demonstrate compliance with the VOC emission limit.

*Public hearing.* The hearing will be held on April 30, 2020, at 10:00 AM at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if a hearing will be held, contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be April 23, 2020. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environ-

mental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

The 30-day comment period from March 28, 2020 will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. Persons wishing to file a written protest or provide comments or additional information, which they believe should be amending the SIP, may submit the information to the James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

#### WATER MANAGEMENT

#### PA Pipeline Project (PPP)/Mariner East II; Permit Modification Public Hearings.

*Southeast Region: 2 E. Main Street, Norristown, PA 19401.*

To prevent the possible spread of COVID-19, the Pennsylvania Department of Environmental Protection (DEP) has canceled three public hearings to gather public input on proposed modifications to three localized Horizontal Directional Drill (HDD) sections of the **Mariner East 2 pipeline project** in parts of **Chester and Delaware Counties**. The hearings were advertised in the *Pennsylvania Bulletin* on March 14, 2020 (50 Pa.B. 1620—1622).

Interested individuals are invited to submit written comments, suggestions, support, or objections regarding the proposed modifications, which must be received by May 8, 2020 at 11:59 PM. Written comments should be mailed to the Waterways and Wetlands Program, 2 E. Main Street, Norristown, PA 19401. Comments may also be submitted online at RA-EPWW-SERO@pa.gov with the subject designating which modification request the comment is intended for. All comments, whether submitted in writing or delivered at hearings, carry equal weight.

Additional information on the modification requests can be found on DEP's Pipeline Portal: <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx#Addendums>.

[Pa.B. Doc. No. 20-452. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Aggregate Advisory Board; Regulatory, Legislative and Technical Committee Virtual Meeting Announcement

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel Coronavirus (COVID-19), the Aggregate Advisory Board's (Board) Regulatory, Legislative and Technical Committee meeting scheduled for Monday, March 30, 2020, will be held as a virtual meeting. Persons wishing to join the meeting may do so remotely. Information will be provided on the Board's web site.

Questions concerning the March 30, 2020, meeting can be directed to Daniel E. Snowden at [dsnowden@pa.gov](mailto:dsnowden@pa.gov) or (717) 783-8846. The agenda and meeting materials, as well as information on how to join the meeting, will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-453. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Continued Availability of Recycling Program Development and Implementation Grants under Section 902 of Act 101

The Department of Environmental Protection (Department) announces the continued availability of grants to municipalities in this Commonwealth to support the development of municipal recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). Grant applications will continue to be accepted through May 22, 2020.

#### *Application Requirements*

Municipalities who received a section 902 grant award in 2019 are not eligible to apply for funding during this solicitation period. Applicants must be in compliance with the provisions of Act 101 and the implementing regulations, the Department's Guidelines for Proper Manage-

ment of Recyclable Materials, and any previous grant contract provisions to be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of Act 101. Applicants who are not in compliance with Act 101 and annual reporting requirements or the program performance recycling grant requirements of the act of November 9, 2006 (P.L. 1347, No. 140) will not be considered. Programs must operate in compliance with their municipality's land use plan where applicable.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712) are eligible for 100% of approved costs. No application requesting more than \$350,000 in grant funding will be accepted.

All applicants are required to complete the Sustainability Plan portion of the application that includes definitive actions and strategies for optimizing program self-sufficiency. The plan shall include, at a minimum, strategies for reducing costs and generating revenues, provisions for establishing incentives associated with waste reduction and recycling, mechanisms for public outreach and stakeholder input, and tracking mechanisms to document progress toward sustainability milestones until optimum sustainability is realized. The Department's technical report on Building Financially Sustainable Recycling Programs can provide assistance in developing the methods and strategies. The technical report can be found on the Department's web site at [http://files.dep.state.pa.us/Waste/Recycling/RecyclingPortalFiles/Documents/fin\\_sust\\_rec.pdf](http://files.dep.state.pa.us/Waste/Recycling/RecyclingPortalFiles/Documents/fin_sust_rec.pdf). Applicants that fail to complete the Sustainability Plan portion of the application will not be considered for funding.

The following elements will receive priority for funding:

- Development and implementation of incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.
- Development and implementation of multimunicipal collection, processing or a materials marketing program, or both, where capital costs are reduced or recycling marketability is enhanced, or both, due to intergovernmental cooperation.
- Municipal recycling programs that will develop and implement methods of collection and processing of recyclable materials through source-separation, dual-stream or commingled practices. The applicant must demonstrate that these recyclable materials have value and greater marketability.
- New and innovative recycling educational programs that support the applicants' recycling collection efforts.

In addition, communities whose existing recycling programs contain the following components will receive additional consideration:

- Publicly provided or municipally contracted waste and recycling services.
- The collection of six or more of the following materials: newsprint, office paper, corrugated paper, other marketable grades of paper, aluminum cans, steel or bimetallic cans, colored glass containers, clear glass containers and plastics.
- Municipal recycling programs that are currently collecting and processing recyclable materials through

source-separation, dual-stream or commingled practices. The applicant must demonstrate that these recyclable materials have value and greater marketability.

- Incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.

#### *Eligibility Requirements*

Only those projects involving municipalities that have a mandatory trash collection program or projects seeking support for a residential recycling program that have a corresponding commercial recycling program will be considered for funding. Applicants seeking funds to replace curbside collection containers or collection vehicles, or both, will need to demonstrate that the new equipment will increase collection efficiencies and tonnage of materials.

#### *Eligibility Costs*

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables, transporting recyclables to processing facilities or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring or renovating buildings, or both, for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements); and the costs associated with educating the public on recycling program requirements.

Under this grant solicitation, the following will not be eligible for funding: promotional items; glass crushing equipment (unless specific marketing arrangements have been identified); vehicles equipped with compaction units (except for the sole collection of yard waste or paper fiber); and backyard composting units and public recycling containers for parks and streetscapes.

Other eligible and noneligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be prorated according to its recycling use (no equipment used for recycling less than 50% of the time will be eligible for funding). Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is

collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded that the mechanical processing equipment is not available to the program from the private sector.

#### *Requirement for Preapplication Conference*

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. A list of these individuals is included at the end of this notice. Applications will be returned to municipalities that fail to schedule a preapplication conference. Grant application forms are available from the Department's regional offices and the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (search term: "Recycling Grants").

#### *Application Deadline*

Grant applications must be received or postmarked by May 22, 2020. Applications received by the Department after that date will not be considered. Applications must be on forms provided by the Department, with two copies submitted to the Department's Central Office, Rachel Carson State Office Building, Harrisburg, PA and one copy submitted to the appropriate county recycling coordinator. Grant awards will be based on the funds available in the Recycling Fund.

#### *Contact Information*

Inquiries concerning this notice should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472, at [mvottero@pa.gov](mailto:mvottero@pa.gov) or (717) 772-5719.

#### *Regional Planning and Recycling Coordinators*

##### *Southeast Region*

*Bucks, Chester, Delaware, Montgomery and Philadelphia Counties*

Department of Environmental Protection, Waste Management Program

2 East Main Street  
Norristown, PA 19401  
(484) 250-5900

Mary Alice Reisse, [mreisse@pa.gov](mailto:mreisse@pa.gov)  
Ann Ryan, [aryan@pa.gov](mailto:aryan@pa.gov)

##### *Northeast Region*

*Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties*

Department of Environmental Protection, Waste Management Program

2 Public Square  
Wilkes-Barre, PA 18711-0790  
(570) 826-2108

Berit Case, [bcase@pa.gov](mailto:bcase@pa.gov)

##### *Southcentral Region*

*Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties*

Department of Environmental Protection, Waste Management Program

909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
(717) 705-4735

Jessica Shilladay, [jesshillad@pa.gov](mailto:jesshillad@pa.gov)

##### *Northcentral Region*

*Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties*

Department of Environmental Protection, Waste Management Program

208 West 3rd Street, Suite 101  
Williamsport, PA 17701  
(570) 916-8648

Joseph Delgripo, [jdelgripo@pa.gov](mailto:jdelgripo@pa.gov)

##### *Southwest Region*

*Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington and Westmoreland Counties*

Department of Environmental Protection, Waste Management Program

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
(412) 442-4000

Sharon Svitek, [ssvitek@pa.gov](mailto:ssvitek@pa.gov)  
Bradley Cunningham, [bcunningha@pa.gov](mailto:bcunningha@pa.gov)  
Bill Jester, [wijester@pa.gov](mailto:wijester@pa.gov)

##### *Northwest Region*

*Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties*

Department of Environmental Protection, Waste Management Program

230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6981

Regina Schweinsberg, [rschweinsb@pa.gov](mailto:rschweinsb@pa.gov)

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-454. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08)

Under the authority of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1387), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08).

The existing PAG-08 General Permit in effect at this time will expire on April 2, 2020. By this notice, the Department is administratively extending the PAG-08 General Permit to May 31, 2021, or the date of final renewal as published, whichever is earlier. Persons that are operating under the existing PAG-08 General Permit may continue to operate under its terms until the date of final renewal is published. Persons that have coverage beyond the final renewal publication date as identified on their coverage approval page may continue to operate until that later date under the terms of the renewed PAG-08. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-08 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-08 General Permit should be directed to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) or (717) 705-4090.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-455. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07)

Under the authority of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1387), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07).

The existing PAG-07 General Permit in effect at this time will expire on April 2, 2020. By this notice, the Department is administratively extending the PAG-07 General Permit to May 31, 2021, or the date of final renewal as published, whichever is earlier. Persons that are operating under the existing PAG-07 General Permit may continue to operate under its terms until the date of final renewal is published. Persons that have coverage beyond the final renewal publication date as identified on their coverage approval page may continue to operate until that later date under the terms of the renewed PAG-07. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-07 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-07 General Permit should be directed to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) or (717) 705-4090.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-456. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09)

Under the authority of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1387), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09).

The existing PAG-09 General Permit in effect at this time will expire on April 2, 2020. By this notice, the Department is administratively extending the PAG-09 General Permit to May 31, 2021, or the date of final renewal as published, whichever is earlier. Persons that are operating under the existing PAG-09 General Permit may continue to operate under its terms until the date of final renewal is published. Persons that have coverage beyond the final renewal publication date as identified on their coverage approval page may continue to operate until that later date under the terms of the renewed PAG-09. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-09 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-09 General Permit should be directed to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) or (717) 705-4090.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-457. Filed for public inspection March 27, 2020, 9:00 a.m.]



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Philadelphia Navy Yard Dredging Project

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the United States Navy (applicant) is proposing to conduct maintenance dredging in the Delaware River in the vicinity of Pier 4 of the Philadelphia Navy Yard in the City of Philadelphia, Philadelphia County.

The applicant is proposing to remove approximately 150,000 cubic yards of accumulated sediment to previously-dredged depths within 10 acres on the west side of Pier 4 for the purpose of maintaining safe navigation and berthing of vessels. Area A (directly adjacent to Pier 4) is proposed to be dredged to a depth of -37 feet mean lower low water (MLLW), plus 2 feet of allowable overdredge. Area B, to the west of Area A, is proposed to be dredged to a depth of -28 feet MLLW, plus 2 feet of allowable overdredge. Reasonably foreseeable effects from this project are proposed to be limited to localized short-term temporary disturbance from in-water construction activity to remove the accumulated sediment as well as disturbance to the bottom. Water column turbidity is proposed to be managed by operational controls during dredging. The effects on this Commonwealth's coastal resources are proposed to be short-term and limited to the duration of the project construction period (approximately 4–6 weeks). Dredging operations would begin at a time to be determined after September 20, 2020. No dredging activities are proposed to take place during the time-of-year restriction of March 15 through June 30 for the Delaware River. Dredged materials are proposed to be placed at one of four possible locations: Fort Mifflin Confined Disposal Facility (CDF), Whites Rehandling Basin and CDF, Biles Island CDF or Port Tobacco at Weanak (also known as Shirley Plantation). Final site selection would be determined based upon the results of material testing and a dredging and disposal feasibility study that are currently underway.

This project is subject to Department review for Federal consistency because it is a Federal agency activity and would have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with the National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities), the United States Navy has determined that the proposed activity would be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, RA-Fed\_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, April 13, 2020, before issuing a final

Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be submitted by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-458. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Mine Families First Response and Communications Advisory Council Meeting Postponed

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Mine Families First Response and Communications Advisory Council meeting scheduled for Tuesday, April 7, 2020, is postponed and will be rescheduled for a date not yet determined. Questions can be directed to Peggy Scheloske at [mscheloske@pa.gov](mailto:mscheloske@pa.gov) or (724) 404-3143.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-459. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Mining and Reclamation Advisory Board Virtual Meeting Announcement

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Mining and Reclamation Advisory Board (Board) meeting scheduled for Thursday, April 2, 2020, will be held as a virtual meeting. Persons wishing to join the meeting may do so remotely. Information will be provided on the Board's web site.

Questions concerning the April meeting can be directed to Daniel E. Snowden at [dsnowden@pa.gov](mailto:dsnowden@pa.gov) or (717) 783-8846. The agenda and meeting materials, as well as information on how to join the meeting, will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Mining and Reclamation Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-460. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed State Implementation Plan Revision; Certification of the Commonwealth's Submittal of All Case-By-Case Reasonably Available Control Technology Determinations and Averaging Plans to the United States Environmental Protection Agency for the 1997 and 2008 8-Hour Ozone National Ambient Air Quality Standard; Virtual Public Hearing

The Department of Environmental Protection (Department) is proposing to submit a State Implementation Plan (SIP) revision to the United States Environmental Protection Agency (EPA) as required under sections 172(c)(1) and 182(b)(2)(C) and (f) of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7502(c)(1) and 7511a(b)(2) and (f)). This proposed SIP revision certifies that the Department has submitted all of the Commonwealth's case-by-case reasonably available control technology (RACT) permits to the EPA prior to May 9, 2020, consistent with the EPA's conditional SIP approval of certain provisions of the Commonwealth's RACT II rule. The EPA must issue full approval of the Commonwealth's RACT II rule as a SIP revision for the Commonwealth to satisfy its RACT obligations under the CAA and implementing rule for the 1997 and 2008 ozone National Ambient Air Quality Standard.

On April 23, 2016, the Environmental Quality Board promulgated a final rule entitled "Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs" at 46 Pa.B. 2036 (April 23, 2016) (RACT II Regulations), which the Department submitted to the EPA for approval as a revision to the Commonwealth's SIP. The EPA published a final rule on May 9, 2019, entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regulatory Amendments Addressing Reasonably Available Control Technology Under the 1997 and 2008 8-Hour Ozone National Ambient Air Quality Standards" (see 84 FR 20274 (May 9, 2019)), conditionally approving certain provisions of the Commonwealth's RACT II Regulations (RACT II Conditional Approval). The RACT II Conditional Approval required the Commonwealth to submit all case-by-case RACT plans and determinations to the EPA by May 9, 2020 (see 84 FR 20274 and 20290).

The Department is proposing to certify that additional enforceable measures in the RACT permits submitted to the EPA resolve the requirements specified by the EPA in the RACT II Conditional Approval. Through this proposed SIP revision, the Department certifies that it has submitted, or will submit, the following on or before May 9, 2020:

1. All facility-wide or system-wide averaging plans approved by the Department under 25 Pa. Code § 129.98

(relating to facility-wide or system-wide NO<sub>x</sub> emissions averaging plan general requirements) including but not limited to terms and conditions that ensure the enforceability of the averaging plan as a practical matter.

2. All source-specific RACT determinations approved by the Department under 25 Pa. Code § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule), including alternative compliance schedules approved under §§ 129.97(k) (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) and 129.99(i); the source-specific RACT determinations submitted to the EPA for approval into the SIP include terms and conditions to ensure the enforceability of the source-specific RACT emission limitation as a practical matter.

The proposed SIP revision includes a list of RACT permits containing additional enforceable measures in Table 1. "Commonwealth of Pennsylvania Case-by-Case RACT Plans Submitted to EPA to Address Obligations of EPA's Conditional Approval Final Rule" (see 84 FR 20274) at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment), is herein referred to as Table 1. Table 1 includes the Department Region No., the Permit/Plan Approval Number, the Facility Name, the Permit Issuance Date, the *PA Bulletin* Intent to Issue with 30-day Public Comment Period with the Date and Bulletin Page Number, and lastly the SIP Package Sent to the EPA for Final Approval Date.

The Philadelphia Air Management Services (AMS) and the Allegheny County Health Department (ACHD) are separate local air pollution control agencies. Each agency makes their own case-by-case RACT determinations and both will certify that the additional enforceable measures in the RACT plans they submitted to the EPA address the requirements of the EPA's RACT II Conditional Approval. The Department submitted RACT case-by-case SIP certifications on behalf of the ACHD for Allegheny County on or before May 9, 2020, and on behalf of the AMS for Philadelphia County on or before May 9, 2020. As part of this proposed SIP revision, the Department incorporates the Allegheny County and Philadelphia County RACT II SIP Certification submittals by reference to address the EPA's RACT II Conditional Approval. Upon submittal of this proposed SIP revision and supporting documentation for EPA's approval, the Commonwealth is concurrently seeking the EPA's full approval of its RACT II Regulations.

The Department is seeking public comment on this proposed SIP revision, certifying that the additional enforceable measures in the RACT permits submitted to the EPA address the requirements in the EPA's May 9, 2020, RACT II Conditional Approval. The Department is only taking comments on this proposed SIP revision and supporting documentation. This request for comment is not intended for permit-specific comments and the Department will not consider comments on any specific permit. Permits for individual facilities throughout this Commonwealth were already subject to an appropriate public comment period or are concurrently subject to an appropriate comment period that will close on or before this SIP certification comment period ends.

The proposed SIP revision is available on the Department's web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by contacting Amanda Rodriguez at [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) or (717) 787-9702.

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Department will offer a virtual public hearing to receive comments on the proposed SIP revision on Tuesday, April 28, 2020, at 1 p.m. Persons wishing to join the hearing may do so remotely. Information will be provided on the Bureau of Air Quality's webpage at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx).

Persons wishing to present testimony should contact Amanda Rodriguez, P.O. Box 8468, Harrisburg, PA 17105, [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) or (717) 787-9702 to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their testimony.

If by 12 p.m. on Friday, April 24, 2020, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. If the hearing is cancelled, the Department will provide public notice on the Bureau of Air Quality's webpage at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx). Persons may also contact the Department to find out if the hearing is cancelled by contacting Amanda Rodriguez at [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) or (717) 787-9702.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Amanda Rodriguez at (717) 787-9702 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

The Department must receive comments no later than Friday, May 1, 2020. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be submitted by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "CTG RACT Certification SIP" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-461. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Technical Advisory Committee on Diesel-Powered Equipment Meeting Cancellation

The April 8, 2020, meeting of the Technical Advisory Committee on Diesel-Powered Equipment (Committee) is cancelled. The next meeting is scheduled for Wednesday, July 8, 2020, at 10 a.m. in the Westmoreland Room, 131 Broadview Road, New Stanton, PA.

The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advi-

sory Committees," then "Mining Advisory Committees," then "Technical Advisory Committee on Diesel-Powered Equipment").

Visit the Committee's web site prior to each meeting to confirm date, time and location.

Questions concerning the July meeting can be directed to Peggy Scheloske at [mscheloske@pa.gov](mailto:mscheloske@pa.gov) or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-462. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing, Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Thursday, April 23, 2020, from 1 p.m. until 3 p.m. The meeting will be held at the Dixon University Center Administrative Building, 2986 North Second Street, Harrisburg, PA 17110. Agenda items will include reports by the Cytomegalovirus and Audiology subcommittees and a group discussion on identifying training needs for Audiologists and the new Head Start and Early Head Start Collaboration to expand capacity to support hearing screening in young children under 3 years of age.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Candance Sanderson, Program Administrator, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing-impaired persons please use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-463. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Woodland Park Rehab Center  
18889 Croghan Pike  
Orbisonia, PA 17243  
FAC ID # 233002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Mon Valley Care Center  
200 Stoops Drive  
Monongahela, PA 15603  
FAC ID # 11790201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-464. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Newborn Screening and Follow-Up Technical Advisory Board Meeting

The Newborn Screening and Follow-Up Technical Advisory Board, established under the Newborn Child Testing Act (35 P.S. §§ 621—625), will hold a public meeting on Thursday, April 16, 2020, from 10 a.m. until 1 p.m. The meeting will be held as a teleconference Skype meeting. The dial-in number is (267) 332-8737 and the conference access ID is 742105838#.

The agenda will include discussions about the Newborn Screening Senate Bill 983/House Bill 730; updates from the Bureau of Family Health (Bureau); and updates from the Hemoglobinopathy, Lysosomal Storage Disorders/X-ALD, Cystic Fibrosis, Ethics and Critical Congenital Heart Defects subcommittees. The Bureau will present data for each subcommittee update and for severe combined immunodeficiency disorder.

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 Stacey Gustin, Director, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or

hearing-impaired persons should use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-465. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Preventative Health and Health Services Block Grant Application for Federal Fiscal Year 2020; Public Hearing

The Department of Health (Department) is making available copies of the proposed Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2020 under section 1905 of the Public Health Service Act (act) (42 U.S.C.A. § 300w-4). This block grant application shall serve as the Commonwealth's request to the United States Department of Health and Human Services for block grant funding to address the Healthy People 2020 Health Status Objectives.

The block grant application, describing proposed services, program goals, and objectives and activities, is available for public comment. Copies (electronic or hard copy) of the proposed block grant application will be available on or after July 26, 2020, and can be obtained by calling the Bureau of Health Promotion and Risk Reduction (Bureau) at (717) 787-6214. 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 the Bureau, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214, 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).

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned block grant application in accordance with section 1905 of the act. Comments and suggestions from the public should relate to the priorities and program plans included in the block grant application.

The hearing will be held from 11 a.m. until 12 p.m. on May 5, 2020, in Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA. Persons wishing to testify are requested to pre-register by contacting the Bureau at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 5 minutes to testify. Testifiers must submit two written copies of their testimony to the Department at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau of Health Promotion and Risk Reduction, 625 Forster Street, Room 1000, Health and Welfare Building, Harrisburg, PA 17120 and should be received no later than 4 p.m. on May 4, 2020.

Persons with a disability who wish to comment or who require an alternative format of this application (for example, large print, Braille) or who wish to attend the public hearing and require special accommodations to do so should contact Teresa Sanders, Bureau of Health

Promotion and Risk Reduction, at (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 20-466. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Public Health Council Meeting Regarding the Preventive Health and Health Services Block Grant

The Public Health Council will be holding a meeting (face-to-face) on May 12, 2020, from 10 a.m. to 2 p.m. The purpose of the meeting is to discuss the Preventive Health and Health Services Block Grant Federal Fiscal

Year 2020 Application and Work Plan. The meeting (face-to-face) will be held at the Giant Community Center, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information contact Teresa Sanders, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other special accommodations to do so should contact Teresa Sanders, Administrative Officer, at (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 20-467. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

#### Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Population Ranges</i>	<i>Geography</i>	<i>Square Footage</i>	<i>Peer Group</i>
0—69,999	Remote Rural	0—999 sq./ft.	5
70,000—124,999	Rural	1,000—4,999 sq./ft.	4
125,000—249,999	Slightly Urban	5,000—9,999 sq./ft.	3
250,000—499,999	Urban	10,000—19,999 sq./ft.	2
500,000—999,999	Metro Market Edge	20,000—999,999 sq./ft.	1
1,000,000+	Metro Market Center		
		<i>Weighting</i>	<i>Geography:</i> 30%
<i># of cash registers</i>	<i>Peer group</i>		<i>Registers:</i> 30%
0-1, 2—4, 5—9, 10—19, 20+	5, 4, 3, 2, 1		<i>Square footage:</i> 40%

#### Competitive Prices for Peer Group 1 Stores

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 Competitive Prices for Peer Group 1 Stores.

#### 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 April 1, 2020, through June 30, 2020, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	1	\$3.96
Brown Rice	1	\$2.11
Canned Beans	1	\$1.10
Cereal (per oz.)	1	\$0.29
Cheese—Kosher—16 oz.	1	\$11.52
Cheese—16 oz.	1	\$6.31

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Dry bean/peas	1	\$1.98
Fresh shell eggs	1	\$1.81
Infant Cereal	1	\$2.78
Infant Fruits	1	\$0.96
Infant Meats	1	\$1.24
Infant Vegetables	1	\$0.96
Juice 11.5/12 oz.	1	\$3.12
Juice 48 oz.	1	\$3.71
Juice 64 oz.	1	\$3.73
Light Tuna 5 oz.	1	\$1.26
Milk—Kosher—Low Fat 1/2 gallon	1	\$4.69
Milk—Whole—Kosher 1/2 gallon	1	\$4.75
Milk—Whole 1/2 gallon	1	\$2.71
Milk—Low Fat 1/2 gallon	1	\$2.63
Oats	1	\$1.70
Peanut Butter	1	\$3.05
Salmon 6 oz.	1	\$2.88
Sardines 3.75 oz.	1	\$1.36
Similac Adv Conc 13 oz.	1	\$6.67
Similac Adv Pwd 12.4 oz.	1	\$20.84
Similac Isomil Conc 13 oz.	1	\$6.86
Similac Isomil Pwd 12.4 oz.	1	\$21.88
Tortilla	1	\$2.95
Whole Wheat Pasta	1	\$1.45

#### Competitive Prices for Peer Group 2 Stores

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 Competitive Prices for Peer Group 2 Stores.

#### *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 April 1, 2020, through June 30, 2020, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	2	\$4.14
Brown Rice	2	\$2.30
Canned Beans	2	\$1.19
Cereal (per oz.)	2	\$0.31
Cheese—Kosher—16 oz.	2	\$9.49
Cheese—16 oz.	2	\$6.35
Dry bean/peas	2	\$2.02
Fresh shell eggs	2	\$1.81
Infant Cereal	2	\$2.88
Infant Fruits	2	\$0.96
Infant Meats	2	\$1.27
Infant Vegetables	2	\$0.96
Juice 11.5/12 oz.	2	\$2.99
Juice 48 oz.	2	\$3.77

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Juice 64 oz.	2	\$3.96
Light Tuna 5 oz.	2	\$1.26
Milk—Kosher—Low Fat 1/2 gallon	2	\$4.04
Milk—Whole—Kosher 1/2 gallon	2	\$3.98
Milk—Whole 1/2 gallon	2	\$2.58
Milk—Low Fat 1/2 gallon	2	\$2.48
Oats	2	\$2.23
Peanut Butter	2	\$2.78
Salmon 6 oz.	2	\$2.47
Sardines 3.75 oz.	2	\$1.36
Similac Adv Conc 13 oz.	2	\$6.97
Similac Adv Pwd 12.4 oz.	2	\$20.62
Similac Isomil Conc 13 oz.	2	\$7.50
Similac Isomil Pwd 12.4 oz.	2	\$21.48
Tortilla	2	\$2.81
Whole Wheat Pasta	2	\$1.46

#### Competitive Prices for Peer Group 3 Stores

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 Competitive Prices for Peer Group 3 Stores.

#### *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 April 1, 2020, through June 30, 2020, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	3	\$4.13
Brown Rice	3	\$2.23
Canned Beans	3	\$1.22
Cereal (per oz.)	3	\$0.32
Cheese—16 oz.	3	\$6.84
Cheese—Kosher—16 oz.	3	\$10.36
Dry bean/peas	3	\$2.03
Fresh shell eggs	3	\$1.88
Infant Cereal	3	\$2.98
Infant Fruits	3	\$1.03
Infant Meats	3	\$1.28
Infant Vegetables	3	\$1.03
Juice 11.5/12 oz.	3	\$2.96
Juice 48 oz.	3	\$3.96
Juice 64 oz.	3	\$4.14
Light Tuna 5 oz.	3	\$1.38
Milk—Kosher—Low Fat 1/2 gallon	3	\$4.18
Milk—Whole—Kosher 1/2 gallon	3	\$4.25
Milk—Whole 1/2 gallon	3	\$2.63
Milk—Low Fat 1/2 gallon	3	\$2.53
Oats	3	\$2.04
Peanut Butter	3	\$3.32

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Salmon 6 oz.	3	\$2.69
Sardines 3.75 oz.	3	\$1.26
Similac Adv Conc 13 oz.	3	\$6.78
Similac Adv Pwd 12.4 oz.	3	\$21.17
Similac Isomil Conc 13 oz.	3	\$7.18
Similac Isomil Pwd 12.4 oz.	3	\$22.21
Tortilla	3	\$2.92
Whole Wheat Pasta	3	\$1.49

#### Competitive Prices for Peer Group 4 Stores

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 Competitive Prices for Peer Group 4 Stores.

#### *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 April 1, 2020, through June 30, 2020, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	4	\$4.44
Brown Rice	4	\$2.35
Canned Beans	4	\$1.49
Cereal (per oz.)	4	\$0.38
Cheese—16 oz.	4	\$7.67
Cheese—Kosher—16 oz.	4	\$10.07
Dry bean/peas	4	\$2.26
Fresh shell eggs	4	\$2.66
Infant Cereal	4	\$3.26
Infant Fruits	4	\$1.28
Infant Meats	4	\$1.45
Infant Vegetables	4	\$1.28
Juice 11.5/12 oz.	4	\$3.00
Juice 48 oz.	4	\$4.13
Juice 64 oz.	4	\$4.84
Light Tuna 5 oz.	4	\$1.56
Milk—Kosher—Low Fat 1/2 gallon	4	\$3.95
Milk—Whole—Kosher 1/2 gallon	4	\$4.25
Milk—Whole 1/2 gallon	4	\$2.94
Milk—Low Fat 1/2 gallon	4	\$2.80
Oats	4	\$3.06
Peanut Butter	4	\$3.82
Salmon 6 oz.	4	\$2.66
Sardines 3.75 oz.	4	\$1.80
Similac Adv Conc 13 oz.	4	\$7.01
Similac Adv Pwd 12.4 oz.	4	\$21.85
Similac Isomil Conc 13 oz.	4	\$7.26
Similac Isomil Pwd 12.4 oz.	4	\$22.46
Tortilla	4	\$3.08
Whole Wheat Pasta	4	\$2.03



**Competitive Prices for Peer Group 5 Stores**

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 Competitive Prices for Peer Group 5 Stores.

*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 April 1, 2020, through June 30, 2020, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	5	\$4.26
Brown Rice	5	\$3.10
Canned Beans	5	\$1.72
Cereal (per oz.)	5	\$0.41
Cheese—16 oz.	5	\$8.59
Cheese—Kosher—16 oz.	5	\$10.31
Dry bean/peas	5	\$2.45
Fresh shell eggs	5	\$3.40
Infant Cereal	5	\$3.55
Infant Fruits	5	\$1.33
Infant Meats	5	\$1.55
Infant Vegetables	5	\$1.33
Juice 11.5/12 oz.	5	\$3.23
Juice 48 oz.	5	\$4.32
Juice 64 oz.	5	\$5.18
Light Tuna 5 oz.	5	\$1.74
Milk—Kosher—Low Fat 1/2 gallon	5	\$4.00
Milk—Whole—Kosher 1/2 gallon	5	\$4.02
Milk—Whole 1/2 gallon	5	\$3.79
Milk—Low Fat 1/2 gallon	5	\$3.66
Oats	5	\$3.28
Peanut Butter	5	\$4.21
Salmon 6 oz.	5	\$4.54
Sardines 3.75 oz.	5	\$2.03
Similac Adv Conc 13 oz.	5	\$7.26
Similac Adv Pwd 12.4 oz.	5	\$22.26
Similac Isomil Conc 13 oz.	5	\$7.50
Similac Isomil Pwd 12.4 oz.	5	\$22.99
Tortilla	5	\$3.06
Whole Wheat Pasta	5	\$3.04

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. 20-468. Filed for public inspection March 27, 2020, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Public Meetings**

In accordance with 7 CFR 246.4(b) (relating to state plan), the Department of Health has scheduled 10 public meetings from 10 a.m. to 3 p.m. in the following locations.

The meetings are open to the public to obtain comments and recommendations for the development of the 2021 State Plan of Program Operation and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in this Commonwealth. Persons wishing to give testimony at a meeting are asked to pre-register with the State WIC Program Office by calling (717) 783-1289. Persons unable to attend a meeting who wish to express their views may submit

written comments by May 31, 2020, to the Department of Health, Bureau of Women, Infants and Children (WIC), 625 Forster Street, 7 West, Health and Welfare Building, Harrisburg, PA 17120.

- May 1, 2020, Shenango Valley Urban League, 601 Indiana Avenue, Farrell, PA 16121.
- May 4, 2020, Broad Top Area Medical Center, 900 Bryan Street, Suite 2, Huntingdon, PA 16652.
- May 4, 2020, CAP of Cambria County, 516 Main Street, 6th Floor, Johnstown, PA 15901.
- May 7, 2020, Bi-County WIC/Hope, 612 West 4th Street, Williamsport, PA 17701.
- May 7, 2020, North Central PA Regional and Development Commission, 49 Ridgmont Drive, Ridgway, PA 15853.
- May 12, 2020, Allegheny County Health Department, 239 4th Avenue, 6th Floor, Pittsburgh, PA 15222.
- May 12, 2020, CAP of Lancaster County, 601 South Queen Street, Room 220, Lancaster, PA 17603.
- May 14, 2020, NORTH, Inc. Philadelphia WIC Office, 1300 West Lehigh Avenue, Suite 104, Philadelphia, PA 19132.
- May 14, 2020, The Foundation of Delaware County, 1260 East Woodland Avenue, Suite 215, Springfield, PA 19064.
- May 26, 2020, Family Health Council of Central PA, 1257 Columbia Boulevard, Bloomsburg, PA 17815.

For additional information or for persons with a disability who wish to attend a meeting or provide comment, or both, and require an auxiliary aid, service or other accommodation to do so, contact William Cramer at (717) 783-1289. For speech and/or hearing-impaired persons, call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984. Pennsylvania WIC is funded by the United States Department of Agriculture. This institution is an equal opportunity provider.

These meetings are subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-469. Filed for public inspection March 27, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, May 1, 2020, from 10 a.m. to 3:30 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their

families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

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 Nicole Johnson, Division of Community Systems Development and Outreach, at (717) 772-2763, or for speech and/or hearing-impaired persons, contact 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. 20-470. Filed for public inspection March 27, 2020, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Mentored Youth Fishing Day Program; Trout

Acting under the authority of 58 Pa. Code § 65.20 (relating to Mentored Youth Fishing Day Program), the Executive Director has approved April 11, 2020, as Mentored Youth Fishing Day for trout, beginning at 8 a.m. and ending at 7:30 p.m., in stocked trout waters designated under 58 Pa. Code § 63.3 (relating to fishing in stocked trout waters).

This designation cancels the March 28, 2020, Mentored Youth Fishing Day previously announced in the *Pennsylvania Bulletin*. This cancellation of the March 28, 2020, Mentored Youth Fishing Day decision has been prompted by the outbreak of the COVID-19 virus and calls from the Center for Disease Control and Office of the Governor for citizens to take precautions to protect the health and safety of themselves and others. This designation under 58 Pa. Code § 65.20 will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

To participate on April 11, 2020, anglers 16 years of age or older (adult anglers) must possess a valid Pennsylvania fishing license and current trout/salmon permit and be accompanied by a youth (less than 16 years of age) who has obtained a voluntary youth fishing license or a mentored youth permit from the Fish and Boat Commission (Commission). Youth anglers must obtain a 2020 voluntary youth fishing license or a mentored youth permit from the Commission and be accompanied by a licensed adult angler to participate.

Only youth anglers with a 2020 voluntary youth fishing license or mentored youth permit may possess a total of two trout (combined species) with a minimum length of 7 inches. Adult anglers are prohibited from possessing trout. Other Commonwealth inland regulations will apply. It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program (Program) except in compliance with the requirements of 58 Pa. Code § 65.20 when participating in the Program.

The waters included in the Program on April 11, 2020, are those stocked trout waters that are regulated under 58 Pa. Code § 65.12 (relating to regional opening day of trout season). A listing of stocked trout waters is published in the Commission's "Summary of Fishing Regula-

tions and Laws” available from the Commission at P.O. Box 67000, Harrisburg, PA 17106-7000. The listing is also available at <http://pfbc.pa.gov/fishpub/summaryad/troutwaters.html>.

In addition, the Executive Director has identified the following waters as being included in the Program on April 11, 2020:

County	Water
Cambria	Carrolltown Rod and Gun Club Dam
Centre	Beauty Run (sections 1 and 2—headwaters to mouth)
Centre	Eddy Lick Run (sections 1 and 2—headwaters to mouth)
Centre	Little Sandy Run and Ponds (headwaters at State Line Road, downstream to Lower Adult Pond)
Centre	Sandy Run (sections 1 and 2—headwaters to mouth)
Centre	South Fork Beech Creek (sections 1, 2 and 3—headwaters to mouth)
Centre	Wolf Run (sections 1, 2 and 3—headwaters to mouth)
Clearfield	Sandy Run (sections 1 and 2—from reservoir downstream to sportsmen club (1-mile upstream Route 879 to 1-mile downstream Route 879))
Elk	Blue Valley Pond
Jefferson	Reitz Run, Beaver Township
Lancaster	Donegal Creek (150 yards upstream and downstream of Route 772)
Lehigh	Daddona Pond
Somerset	Rhoades Creek (Rockwood Legion)
Somerset	Quemahoning Rod and Gun Club Dam

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-471. Filed for public inspection March 27, 2020, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Change to Fishing Regulations; Fishing in Stocked Trout Waters and Regional Opening Day of Trout Season

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code §§ 63.3 and 65.12 (relating to fishing in stocked trout waters; and regional opening day of trout season). Specifically, the Executive Director has amended these sections to eliminate the regional opening day of trout season for 2020. It is now unlawful to fish in stocked trout waters regulated under 58 Pa. Code § 61.1 (relating to Commonwealth inland waters) in any part of this Commonwealth until 8 a.m. on Saturday, April 18, 2020. This is a temporary change affecting only the 2020 trout season.

The Executive Director has found that this action is a necessary and appropriate response to the outbreak of the

COVID-19 virus and calls from the Center for Disease Control and Office of the Governor for citizens to take precautions and to provide for the health and safety of persons who fish Commonwealth waters. The temporary modifications will go into effect immediately and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code §§ 63.3 and 65.12. In the absence of action, the temporary modification will automatically expire on December 31, 2020.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-472. Filed for public inspection March 27, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Act 129 Energy Efficiency and Conservation Program Phase IV; Doc. No. M-2020-3015228

At its March 12, 2020, public meeting, the Pennsylvania Public Utility Commission (Commission) adopted and released for public comment a Tentative Implementation Order (Tentative Order) to begin the process of potentially establishing a Phase IV for the Act 129 Energy Efficiency and Conservation (EE&C) Program. This Tentative Order proposes required consumption and peak demand reductions for each electric distribution company subject to Act 129, as well as guidelines for implementing Phase IV of the EE&C Program. The Tentative Order is on the Commission’s web site at <http://www.puc.pa.gov/pcdocs/1658127.docx>.<sup>1</sup>

Interested parties are invited to file comments on the Tentative Order, as well as the baseline and market potential studies, within 30 days of the publication of this notice, with reply comments due within 45 days of the publication of this notice. Comments and reply comments shall reference Doc. No. M-2020-3015228 and can be filed electronically through the Commission’s e-File System or by mail addressed to the Pennsylvania Public Utility Commission, Attention: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265. Questions regarding technical issues related to the Tentative Order are to be directed to Joseph Sherrick, Bureau of Technical Utility Services, (717) 787-5369, [josherrick@pa.gov](mailto:josherrick@pa.gov). Questions regarding legal and process issues related to the Tentative Order are to be directed to Adam Young, Law Bureau, (717) 783-3968, [adyoung@pa.gov](mailto:adyoung@pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-473. Filed for public inspection March 27, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### General Rule Transaction

### A-2020-3019205 and A-2020-3019207. Fusion Connect, Inc., Fusion, LLC, Fusion Cloud Services, LLC

<sup>1</sup> Statements by Chairperson Gladys Brown Dutrieuille and Commissioner Andrew G. Place can be found at <http://www.puc.pa.gov/pcdocs/1658047.pdf> and <http://www.puc.pa.gov/pcdocs/1658125.pdf>.

**and Telecom Holdings, LLC.** Joint application of Fusion Connect, Inc., Fusion, LLC, Fusion Cloud Services, LLC and Telecom Holdings, LLC for approval of a general rule transaction that will result in a change of the ownership and control of Fusion, LLC and Fusion Cloud Services, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 13, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the 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](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Fusion Connect, Inc.; Fusion, LLC; Fusion Cloud Services, LLC; Telecom Holdings, LLC

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-474. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at March Meeting

As part of its regular business meeting held on March 13, 2020, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on March 13, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission's web site at [www.srbc.net](http://www.srbc.net).

#### *Supplementary Information*

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: (1) Resolution 2020-01 adopting the Commission's Fiscal Year 2021 budget reconciliation; (2) ratification/approval of contracts/grants; (3) Resolution 2020-02 adopting final rulemaking regarding consumptive use mitigation and adopting Consumptive Use Mitigation Policy; (4) Resolution 2020-03 adopting *Guidance for the Preparation of a Metering Plan and a Groundwater Elevation Monitoring Plan for Withdrawals, Consumptive Uses and Diversions (Metering Plan Guidance)*; and (5) Regulatory Program projects.

#### *Project Applications Approved*

1. Project Sponsor and Facility: ARD Operating, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA.

Application for renewal of surface water withdrawal of up to 1.340 mgd (peak day) (Docket No. 20160301).

2. Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20160305).

3. Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 0.860 mgd (30-day average) from Well 5.

4. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20160310).

5. Project Sponsor and Facility: SWN Production Company, LLC (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.218 mgd (peak day) (Docket No. 20160311).

6. Project Sponsor and Facility: Towanda Municipal Authority, Albany Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.551 mgd (30-day average) from the Eilenberger Spring.

7. Project Sponsor: York Haven Power Company, LLC. Project Facility: York Haven Hydroelectric Project, Londonderry Township, Dauphin County; Conoy Township, Lancaster County; and York Haven Borough and Newberry Township, York County, PA. Application for approval of an existing hydroelectric facility.

#### *Project Approved Involving a Diversion*

1. Project Sponsor: Gas Field Specialists, Inc. Project Facility: Wayne Gravel Products Quarry, Ceres Township, McKean County, PA. Application for renewal of an into-basin diversion from the Ohio River Basin of up to 1.170 mgd (peak day) (Docket No. 20160312).

#### *Commission Initiated Project Approval Modifications*

1. Project Sponsor and Facility: Susquehanna Valley Country Club, Monroe Township, Snyder County, PA. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.162 mgd (30-day average) from the Front Nine Well (Docket No. 20020814).

2. Project Sponsor and Facility: New Morgan Borough Utilities Authority, New Morgan Borough, Berks County, PA. Modification to remove expired Well PW-3 and to recognize the interconnection with Caernarvon Township Authority. Well PW-3 automatically expired consistent with Condition 25 of the approval due to lack of commencement of withdrawal (Docket No. 20141207).

In addition, as a part of Resolution 2020-02, which was adopted, the Executive Director has the authority necessary to carry out the implementation of the final rule-making and policy, including where necessary approving any Commission-initiated modifications to consumptive use approvals to modify the mitigation requirements for evaporative losses from ponds and other onsite structures that meet the mitigation standard in Policy No. 2020-01. As such, notice is hereby given that the Executive Director is initiating these modifications. A list of modifications under review by Commission staff and date for public comment on those modifications can be found at the Commission's web site at [www.srbc.net/about/meetings-events/meeting-comment/default.aspx?type=9&cat=29](http://www.srbc.net/about/meetings-events/meeting-comment/default.aspx?type=9&cat=29).

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-475. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Grandfathering Registration Notice

The Susquehanna River Basin Commission (Commission) lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from February 1, 2020, through February 29, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

#### *GF Registration Under 18 CFR Part 806, Subpart E*

1. Elmhurst Country Club; GF Certificate No. GF-202002083; Roaring Brook Township, Lackawanna County, PA; Wells 1 and 2; Issue Date: February 3, 2020.
2. Weaverland Valley Authority—Terre Hill Water System; GF Certificate No. GF-202002084; Terre Hill Borough and East Earl Township, Lancaster County, PA; Wells 1 and 3; Issue Date: February 3, 2020.
3. Williamsport Country Club Inc.—Williamsport Country Club; GF Certificate No. GF-202002085; Loyalsock Township, Lycoming County, PA; Wells 1 and 2, and consumptive use; Issue Date: February 18, 2020.
4. Town of Kirkwood—Public Water Supply System; GF Certificate No. GF-202002086; Town of Kirkwood, Broome County, NY; Well 1; Issue Date: February 24, 2020.
5. Fish and Boat Commission—Bellefonte State Fish Hatchery; GF Certificate No. GF-202002087; Benner Township, Centre County, PA; the Spring, and Wells 1 and 2; Issue Date: February 24, 2020.
6. Fish and Boat Commission—Benner Spring State Fish Hatchery; GF Certificate No. GF-202002088; Benner Township, Centre County, PA; Benner Spring and Spring Creek; Issue Date: February 24, 2020.
7. Tunkhannock Borough Municipal Authority—Public Water Supply System; GF Certificate No. GF-202002089; Tunkhannock Borough, Wyoming County, PA; Well 1 (Hill Well 1) and Well 4 (Ravine); Issue Date: February 24, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-476. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from December 1, 2019, through December 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Water Source Approvals Issued Under 18 CFR 806.22(f):*

1. Repsol Oil & Gas USA, LLC; Pad ID: Wilcox # 1, ABR-20090803.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 0.9999 mgd; Approval Date: December 9, 2019.
2. Repsol Oil & Gas USA, LLC; Pad ID: KLEIN (01 014) R, ABR-20090810.R2; Armenia Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: December 9, 2019.
3. Seneca Resources Company, LLC; Pad ID: B09-I, ABR-201912001; Shippen Township, Cameron County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 10, 2019.
4. Chief Oil & Gas, LLC; Pad ID: Polovitch Unit # 1H, ABR-20090826.R2; Nicholson Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 20, 2019.
5. Range Resources—Appalachia, LLC; Pad ID: Roup 1H-2H, ABR-201407018.R1; Mifflin Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: December 20, 2019.
6. Chesapeake Appalachia, LLC; Pad ID: Doss, ABR-20091109.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 23, 2019.
7. Chesapeake Appalachia, LLC; Pad ID: CSI, ABR-20091112.R2; Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 23, 2019.
8. Chief Oil & Gas, LLC; Pad ID: Kuziak B Drilling Pad, ABR-201409004.R1; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: December 23, 2019.

9. Cabot Oil & Gas Corporation; Pad ID: WeissM P1, ABR-201407003.R1; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 31, 2019.

10. SWN Production Company, LLC; Pad ID: Greenzweig (GU C Pad), ABR-201407004.R1; Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 31, 2019.

11. SWN Production Company, LLC; Pad ID: NR-20-COLWELL-PAD, ABR-201407010.R1; Oakland Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 31, 2019.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-477. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from January 1, 2020, through January 31, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Water Source Approvals Issued Under 18 CFR 806.22(f):*

1. Cabot Oil & Gas Corporation; Pad ID: BrooksW P1, ABR-20090701.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.

2. Cabot Oil & Gas Corporation; Pad ID: HullR P1, ABR-20090702.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.

3. Cabot Oil & Gas Corporation; Pad ID: Heitsman P1A, ABR-20090703.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.

4. Cabot Oil & Gas Corporation; Pad ID: Gesford P2, ABR-20090705.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.

5. SWN Production Company, LLC; Pad ID: Carrar Pad Site, ABR-20090725.R2; Liberty Township, Susquehanna County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.

6. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 002), ABR-20090811.R2; Ward Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.

7. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 004), ABR-20090812.R2; Ward Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.

8. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 017), ABR-20090932.R2; Ward Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: January 14, 2020.

9. Chief Oil & Gas, LLC; Pad ID: Teel Unit # 1H, ABR-20091115.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 14, 2020.

10. Range Resources—Appalachia, LLC; Pad ID: Cornwall 6H—8H, ABR-201407017.R1; Lewis Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 14, 2020.

11. Chief Oil & Gas, LLC; Pad ID: S. A. Wilson Drilling Pad, ABR-201411001.R1; Overton Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 14, 2020.

12. Cabot Oil & Gas Corporation; Pad ID: Teel P7, ABR-20090704.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 15, 2020.

13. Cabot Oil & Gas Corporation; Pad ID: LaRueC P1, ABR-20090706.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 15, 2020.

14. Cabot Oil & Gas Corporation; Pad ID: SmithR P2, ABR-20090707.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 15, 2020.

15. SWEPI LP; Pad ID: 212 1H, ABR-20090727.R2; Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 16, 2020.

16. SWEPI LP; Pad ID: 235A 1H, ABR-20090728.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 16, 2020.

17. SWEPI LP; Pad ID: Courtney 129 1H-2H, ABR-20090729.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 17, 2020.

18. SWEPI LP; Pad ID: Courtney H 255-1H, ABR-20090730.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 17, 2020.

19. Rockdale Marcellus, LLC; Pad ID: Palmer 112, ABR-20091006.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 17, 2020.

20. SWEPI LP; Pad ID: Neal 134D, ABR-20090731.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 20, 2020.

21. SWEPI LP; Pad ID: Kipferl 261-1H, ABR-20090732.R2; Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 20, 2020.

22. Cabot Oil & Gas Corporation; Pad ID: GrimsleyJ P1, ABR-20090805.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 20, 2020.

23. Rockdale Marcellus, LLC; Pad ID: Fitch 115-1H, ABR-20091005.R2; Union Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 20, 2020.

24. Repsol Oil & Gas USA, LLC; Pad ID: KOHLER (02 191), ABR-202001001; Liberty Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 20, 2020.

25. Rockdale Marcellus, LLC; Pad ID: Bear Claw, ABR-202001002; McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 20, 2020.

26. EXCO Resources (PA), LLC; Pad ID: Bower Unit # 1H Drilling Pad, ABR-20090815.R2; Penn Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2020.

27. BKV Operating, LLC; Pad ID: Procter & Gamble Mehoopany Plant 2 1H, ABR-20091104.R2; Washington Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2020.

28. BKV Operating, LLC; Pad ID: Procter and Gamble Mehoopany Plant 1V, ABR-20091014.R2; Washington Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2020.

29. Cabot Oil & Gas Corporation; Pad ID: Colwella P1, ABR-201408004.R1; Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 22, 2020.

30. EXCO Resources (PA), LLC; Pad ID: Warburton Unit # 1H Drilling Pad, ABR-20090816.R2; Penn Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.

31. ARD Operating, LLC; Pad ID: COP Tr 678 # 1000H, ABR-20090820.R2; Noyes Township, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.

32. ARD Operating, LLC; Pad ID: COP Tr 678 # 1001H and # 1002H, ABR-20090821.R2; Noyes Township, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.

33. ARD Operating, LLC; Pad ID: Tx Gulf B # 1H, ABR-20090822.R2; Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2020.

34. SWN Production Company, LLC; Pad ID: NR-23-FOUR BUCKS-PAD, ABR-201408005.R1; Great Bend Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 28, 2020.

35. Seneca Resources Company, LLC; Pad ID: D09-M, ABR-202001003; Jones Township, Elk County; and Sergeant Township, McKean County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 28, 2020.

36. SWEPI LP; Pad ID: Smith 253 1H, ABR-20090825.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2020.

37. Cabot Oil & Gas Corporation; Pad ID: FontanaC P1, ABR-201408009.R1; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 29, 2020.

38. Cabot Oil & Gas Corporation; Pad ID: DysonW P1, ABR-201408010.R1; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 29, 2020.

39. Cabot Oil & Gas Corporation; Pad ID: LernerG P1, ABR-201408011.R1; Ararat Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: January 29, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-478. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Minor Modifications

The Susquehanna River Basin Commission (Commission) lists the minor modifications approved for previously approved projects from February 1, 2020, through February 29, 2020.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists previously approved projects, receiving approval of minor modifications, described as follows, under 18 CFR 806.18 (relating to approval modifications) for the time period previously specified:

#### *Minor Modifications Issued Under 18 CFR 806.18*

1. New York State Canal Corporation, Docket No. 20191210, Towns of DeRuyter and Cazenovia, Madison County, and Town of Fabius, Onondaga County, NY; approval to extend docket conditions (Special Conditions 14 and 15) in regard to the submittal of a comprehensive metering and monitoring plan and a final intake design; Approval Date: February 3, 2020.

2. Lancaster County Solid Waste Management Authority, Docket No. 20180908, Conoy Township, Lancaster County, PA; approval to correct a typographical error in Section 3 referencing the related special condition number; Approval Date: February 19, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-479. Filed for public inspection March 27, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Revocation of Approvals

The Susquehanna River Basin Commission (Commission) revoked by rule the following list of projects from December 1, 2019, through December 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, that have been revoked under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

*Revocation of Approvals by Rule Issued Under 18 CFR 806.22(f):*

1. XPR Resources, LLC; Pad ID: Resource Recovery Well # 1, ABR-201010059.R1; Snow Shoe Township, Centre County, PA; Revocation of Approval Date: December 24, 2019.

2. Seneca Resources Company, LLC; Pad ID: Gamble Pad G, ABR-201906005; Gamble Township, Lycoming County, PA; Revocation of Approval Date: December 26, 2019.

3. Seneca Resources Company, LLC; Pad ID: C09-E, ABR-201512009; Shippen Township, Cameron County, PA; Revocation of Approval Date: December 26, 2019.

4. Chief Oil & Gas, LLC; Pad ID: Andrus Drilling Pad # 1, ABR-201101023.R1; Franklin and Granville Townships, Bradford County, PA; Revocation of Approval Date: December 30, 2019.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-480. Filed for public inspection March 27, 2020, 9:00 a.m.]