

# PENNSYLVANIA BULLETIN

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The Courts

Bureau of Professional and Occupational Affairs

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Department of Community and Economic  
Development

Department of Education

Department of Environmental Protection

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State Board of Osteopathic Medicine

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

**No. 544, March 2020**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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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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# THE GOVERNOR

## GOVERNOR'S OFFICE

### Amendment to Proclamation of Disaster Emergency

February 25, 2020

*Whereas*, on January 10, 2018, I declared a disaster emergency due to the opioid crisis that is ravaging the country, including the Commonwealth of Pennsylvania and its citizens;

*Whereas*, my Proclamation of Disaster Emergency dated January 10, 2018, was renewed by Amendment to Proclamation of Disaster Emergency (1st Amendment) on April 4, 2018, for an additional ninety days. The April 4, 2018, 1st Amendment would have automatically expired by operation of law on July 3, 2018, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 28, 2018. The June 28, 2018, Amendment to Proclamation of Disaster Emergency (2nd Amendment) was set to expire by operation of law on September 26, 2018, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 24, 2018. The September 24, 2018, Amendment to Proclamation of Disaster Emergency (3rd Amendment) was set to expire by operation of law on December 23, 2018, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 21, 2018. The December 21, 2018, Amendment to Proclamation of Disaster Emergency (4th Amendment) was set to expire by operation of law on March 21, 2019, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on March 20, 2019. The March 20, 2019, Amendment to Proclamation of Disaster Emergency (5th Amendment) was set to expire by operation of law on June 18, 2019, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 14, 2019. The June 14, 2019, Amendment to Proclamation of Disaster Emergency (6th Amendment) is set to expire by operation of law on September 12, 2019, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 5, 2019. The September 5, 2019, Amendment to Proclamation of Disaster Emergency (7th Amendment) was set to expire by operation of law on December 4, 2019, unless further extended by my official renewal;

*Whereas*, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 3, 2019. The December 3, 2019, Amendment to Proclamation of Disaster Emergency (8th Amendment) is set to expire by operation of law on March 2, 2020, unless further extended by my official renewal;

*Whereas*, the opioid crisis continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania;

*Whereas*, the opioid crisis continues to be a public health emergency in Pennsylvania contributing to addiction, overdose emergencies and deaths; and



*Whereas*, investigations by the Opioid Unified Coordination Group indicate that additional resources of the Commonwealth may be needed to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

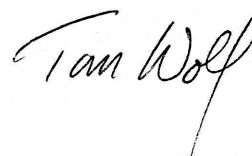
*Now Therefore*, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

1. The Proclamation of Disaster Emergency of January 10, 2018, renewed by Amendments to Proclamation of Disaster Emergency dated April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, March 20, 2019, June 14, 2019, September 5, 2019, and December 3, 2019, is renewed for an additional period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.

2. All directives, authorized actions and provisions of the January 10, 2018, Proclamation of Disaster Emergency, and the April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, March 20, 2019, June 14, 2019, September 5, 2019, and December 3, 2019, Amendments to Proclamation of Disaster Emergency shall remain in full force and effect until either rescinded by me or terminated by operation of law ninety days following the effective date of this Proclamation Amendment.

3. This Proclamation Amendment (9th Amendment) shall take effect immediately.

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



Governor

[Pa.B. Doc. No. 20-317. Filed for public inspection March 6, 2020, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

[ 204 PA. CODE CH. 27 ]

#### Adoption of Rules for Continuing Judicial Education; No. 827 Supreme Court Rules Doc.

##### Amended Order

*Per Curiam:*

*And Now*, this 7th day of February, 2020, upon the recommendation of the Continuing Judicial Education Board of Judges, it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 101 through 605 of the Rules for Continuing Judicial Education are adopted in the following form.

These rules replace the Order of December 9, 2016, No. 719 Supreme Court Rules Docket. *See id.* Section 3(f)(v).

To the extent that notice of proposed rulemaking would otherwise be required, the immediate promulgation of the rules is found to be in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the rules herein shall be effective in 30 days.

*(Editor's Note:* Under this Supreme Court Order, the text of §§ 31.1—31.13 which appears in 204 Pa. Code pages 31-1—31-10, serial pages (385437)—(385446) is replaced by Rules 101—605.)

*(Editor's Note:* The designation of Rules 101—605 as Chapter 33 in Part II as published at 50 Pa.B. 1108 (February 22, 2020) is changed to Chapter 27 in Annex A.)

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 27. PENNSYLVANIA RULES FOR CONTINUING JUDICIAL EDUCATION

- Rule 101. Title and Citation.
- Rule 102. General.
- Rule 201. Continuing Judicial Education Board of Judges.
- Rule 202. Composition and Terms of the Board.
- Rule 203. Compensation, Expenses, and Immunity.
- Rule 204. Powers and Duties of the Board.
- Rule 205. Quorum and Votes.
- Rule 206. Confidentiality.
- Rule 301. Continuing Judicial Education Requirement.
- Rule 302. Course Attendance and Alternatives.
- Rule 303. Standards for Approved Courses or Activities.
- Rule 304. Course Accreditation Standards.
- Rule 305. Alternative Education Activity Accreditation Standards.
- Rule 306. Credit for Courses or Activities.
- Rule 307. Courses by the Judicial Education Department.
- Rule 308. Teaching for CJE Credits.
- Rule 401. Accredited Providers.
- Rule 402. Evaluations.
- Rule 403. Revocation or Non-Renewal of Accredited Provider Status.
- Rule 404. Approval of Courses or Activities Conducted by Non-Accredited Providers.
- Rule 501. Deferrals, Waivers, and Special Status.
- Rule 601. Continuing Judicial Education Reporting Responsibilities.
- Rule 602. Reporting of Courses or Activities.
- Rule 603. Annual Compliance Reporting.
- Rule 604. Noncompliance and Compliance Disputes: Judges.
- Rule 605. Hearings.

#### Rule 101. Title and Citation.

These Rules shall be known as the Pennsylvania Continuing Judicial Education Rules ("Rules") and may be cited as "Pa.C.J.E. Rule \_\_\_."

#### Rule 102. General.

(a) *Purpose.* The public properly expects that judges will maintain professional competence and ethical behavior. These rules are intended to meet the public's expectations by promulgating mandatory continuing education requirements for Pennsylvania judges.

The continuing judicial education program is adopted to assure that judges continue their education to have and maintain the requisite knowledge and skill to fulfill their judicial responsibilities. To satisfy this requirement, judges must participate in continuing judicial education programs or activities that reinforce and enhance their judicial practice.

#### Comment

*See* Supreme Court Order of December 9, 2016, No. 719 Supreme Court Rules Docket.

(b) *Scope.* Justices of the Supreme Court of Pennsylvania, and judges of the Commonwealth Court of Pennsylvania, the Superior Court of Pennsylvania, the Courts of Common Pleas, and Philadelphia Municipal Court, and certified senior judges of these courts, must complete a program of continuing judicial education as of January 1, 2017 and thereafter. All exceptions and exemptions from this requirement must have the approval of the Continuing Judicial Education Board of Judges ("Board").

(c) *Definitions.* Subject to any definitions contained in subsequent rules, the following words and phrases, when used in these rules, shall have, unless the context clearly indicates otherwise, the following meanings:

"*Accredited Provider.*" A provider of continuing judicial education that has been approved to provide judicial education courses or activities for judicial education credit in accordance with these rules.

"*Alternative Education Activity.*" A nontraditional continuing education program or activity.

"*Applicant.*" A non-accredited provider or a provider who has lost accreditation.

"*Board.*" The Continuing Judicial Education Board of Judges established by the Supreme Court's Order of December 9, 2016.

"*CJE.*" Continuing judicial education to be provided under these rules.

"*Department.*" The Judicial Education Department of the Administrative Office of Pennsylvania Courts.

"*Distance Education.*" Education that is delivered remotely.

"*Judge.*" A commissioned jurist in the Commonwealth's Unified Judicial System who is a justice of the Supreme Court of Pennsylvania, a judge of the Superior Court of Pennsylvania, a judge of the Commonwealth Court of Pennsylvania, a judge of a Court of Common Pleas, or a judge of the Philadelphia Municipal Court. The term also includes judges serving on the aforementioned courts in senior status pursuant to Pa.R.J.A. No. 701.

"*Judicial Education.*" Includes topics of study that encompass substantive and procedural law and judicial

ethics, as well as topics to enhance judicial skills, including, but not limited to, case management, legal writing, legal history, philosophy of law, and the physical and social sciences.

*“Judicial Practice.”* Includes, but is not limited to, a judge’s knowledge, competence, and proficiency in the areas of substantive law, procedural law, judicial ethics, and judicial procedures.

*“Provider.”* A person or entity that delivers continuing judicial education under these rules.

*“Supreme Court.”* The Supreme Court of Pennsylvania.

**Rule 201. Continuing Judicial Education Board of Judges.**

(a) The Continuing Judicial Education Board of Judges (“Board”) is that body first established by the Supreme Court under its Order of December 9, 2016, No. 719 Supreme Court Rules Docket, and as hereinafter continuing under these rules.

(b) The primary purpose of the Board is to guide the development and delivery of continuing judicial education to judges serving the Commonwealth’s Unified Judicial System.

**Rule 202. Composition and Terms of the Board.**

(a) The Board shall consist of twelve (12) members appointed by the Supreme Court. Eight (8) shall be jurists serving one of the Commonwealth’s courts governed by these rules.

(b) The Supreme Court shall appoint from the members of the Board a chair and a vice chair. The Board may designate such other officers and form such other committees as it deems appropriate.

(c) The terms of the first Board shall be staggered so that four (4) members shall be appointed for three (3) year terms, four (4) members for two (2) year terms, and four (4) members for one (1) year terms.

(d) The regular term of members of the Board shall be for three (3) years, and no member may serve for more than two (2) consecutive three (3) year terms.

**Rule 203. Compensation, Expenses, and Immunity.**

(a) Board members shall receive no compensation for services provided under these rules, but they shall be reimbursed by the Board for their reasonable and necessary expenses in attendance at meetings and in otherwise fulfilling their responsibilities.

(b) The Board, and its members, employees and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the administration of the continuing judicial education requirements.

**Rule 204. Powers and Duties of the Board.**

The Board is authorized:

(a) To administer these rules, and to act as ordered, directed, or requested by the Supreme Court;

(b) to adopt and administer Regulations and procedures consistent with these rules;

(c) to accredit providers of CJE;

(d) to approve CJE credits;

(e) to audit, examine, inspect, and review the operations of providers, including instructors, classes, curricula, teaching materials and facilities, to assure compliance with these rules;

(f) to determine if judges are in compliance with these rules and to hear appeals from determinations of noncompliance;

(g) to hear and decide requests from judges for waivers, extensions, or deferments from the requirements set forth in these rules;

(h) to extend any time period prescribed in these rules;

(i) to undertake all reasonable action to implement these rules;

(j) to delegate to the Department or Board staff ministerial functions as necessary and appropriate to administer these rules; and

(k) to vote upon all matters requiring action by the Board. The manner of making and debating motions and determining the votes necessary for Board action, shall be decided by the Chair, unless overridden by a majority of the members that constitute a quorum.

**Rule 205. Quorum and Votes.**

A minimum of seven (7) Board members participating in a meeting shall constitute a quorum. The Board shall act only with a majority of those participating, but no less than five (5). A quorum may be established with the participation of members by teleconference. The Board may adopt rules providing for the holding of teleconference meetings.

**Rule 206. Confidentiality.**

The files, records, and proceedings of the Board shall be deemed confidential and shall only be disclosed:

(a)(1) to the Supreme Court;

(2) in furtherance of the duties of the Board;

(3) upon request of the judge affected;

(4) as they may be introduced in evidence or otherwise produced in proceedings under these rules, or as may be requested by the Judicial Conduct Board; or

(5) as ordered by the Board.

(b) The Board shall submit an annual report to the Supreme Court, providing information on accredited providers, judicial compliance, and other information deemed relevant by the Board or as directed by the Supreme Court.

(c) All documents or information deemed confidential under the Case Records Public Access Policy of the United Judicial System of Pennsylvania shall not be disclosed, unless as permitted under that policy and these rules.

**Rule 301. Continuing Judicial Education Requirement.**

(a) Each judge shall annually complete a minimum of three (3) hours of continuing education in judicial ethics and a minimum of nine (9) hours of continuing education in judicial practice and related areas as defined by the Board.

(b) Every newly elected or appointed judge serving the Commonwealth’s Courts of Common Pleas and the Philadelphia Municipal Court shall attend New Judge School administered by the Department in its entirety at his or her first opportunity. This requirement shall be in addition to the annual requirements described herein.

**Rule 302. Course Attendance and Alternatives.**

The CJE requirement must be fulfilled by attending the required number of CJE courses delivered by the Supreme Court, accredited providers, approved non-

accredited courses, and other teaching or alternative education activities approved by the Board as sufficient to meet the annual CJE requirements.

(a) *Courses Offered by the Department.* Four (4) of the annual credits shall be earned through courses developed by or under the supervision of the Department.

(b) *Teaching or Alternative Education Activity.* Four (4) of the annual credit requirements may be earned through Board-approved teaching or alternative education activities.

(c) *Distance Education.* Four of the annual credit requirements may be earned through approved distance education. Credits earned through courses presented by the Department are not subject to this annual credit limitation.

**Rule 303. Standards for Approved Courses or Activities.**

(a) It is presumed that all judges are competent with respect to judicial practice. Courses or activities should be designed to enhance a judge's knowledge base.

(b) Continuing judicial education must, to the greatest extent possible, address the distinct educational needs of judges and should ordinarily be delivered to an audience consisting exclusively or primarily of judges.

(c) Applicants seeking approval for CJE credit must be able to demonstrate to the Board how the course or activity enhances a judge's judicial practice through judicial education.

(d) Under limited circumstances, the Board may approve credit for attending a continuing education course or activity intended for both judges and others. However, a provider or judge who seeks approval to designate a continuing education course or activity for CJE credit must be able to satisfy the Board as to (1) how such a course or activity enhances a judge's judicial practice through judicial education, and (2) why the course or activity is an appropriate exception to the general rule that CJE courses should be delivered exclusively or primarily to judges.

**Rule 304. Course Accreditation Standards.**

(a) Courses offered by an accredited provider shall be eligible for the amount and type of credits as designated by the provider, subject to review by the Board. All other courses will be awarded credit as determined by the Board.

(b) All courses for CJE credit should be designed to enhance a judge's judicial practice through judicial education.

(c) In addition to subsection (b) above, the following standards apply:

(1) The course must be an organized program of learning to deal with matters directly related to subjects which satisfy the objectives of these rules.

(2) Each course must be open to all judges thought to be interested in the subject matter. Attendance restrictions will only be permitted by the Board upon application, where:

(i) the purpose for the attendance restriction is non-discriminatory;

(ii) attendance is restricted on objective criteria for a bona fide educational objective to enhance the course, and

(iii) membership in the provider organization is open to all interested judges, on a reasonable non-discriminatory basis and cost.

(3) The course leaders or lecturers must be qualified with the necessary practical and/or academic experience necessary to conduct the course effectively.

(4) Whenever possible, each attendee shall be provided with thorough, high quality and carefully prepared written course materials prior to or at the time of the course.

(5) The course must be presented in a suitable setting, conducive to a good educational environment, which provides attendees with adequate writing space or surface.

(6) Upon request by the Board, the provider shall submit to the Board information concerning the course, including the brochure describing the course and the qualifications of anticipated speakers, the method or manner of presentation of materials, and, if requested, a set of the materials to be distributed.

(7) Providers must develop and implement methods to evaluate its course offerings to determine their effectiveness and the extent to which they meet the needs of judges and, upon a request from the Board, provide course evaluations by the attendees on such forms as the Board shall approve.

(8) Providers shall take into consideration the special needs of incapacitated persons and persons with disabilities in gaining access to and participation in CJE courses. The Board shall require providers to ensure courses are as reasonably accessible to persons with disabilities as those without disabilities.

(9) Self-study will not be approved for CJE credit.

(10) Subject to the limitation in Rule 302(c), judges participating in a course via distance education will receive credit if an instructor/moderator is present at the remote site and the audience participating remotely has the ability to interact with presenters at the host facility.

**Rule 305. Alternative Education Activity Accreditation Standards.**

(a) Alternative education activities may qualify for credit if they are consistent with the provisions of these rules, and subject to the following specific terms and conditions:

(1) *Individual Approval Required.* Each alternative education and teaching activity for which CJE credit is sought must be approved by the Board for credit.

(2) *Requests for Approval.* A judge should request Board approval for alternative education activities or teaching activities sixty (60) days prior to the activity, but in all events a judge must request such approval no more than thirty (30) days after completing the activity in order for the request to be considered.

(3) *Evaluations.* The provisions of Rule 402 regarding evaluations may apply to alternative education activities, if appropriate, as determined by the Board.

(b) In addition to the requirements above, when credit is sought for a law school or graduate level course:

(1) The course must otherwise qualify for academic credit by the school.

(2) One (1) hour of credit may be given for each approved credit hour awarded by the school.

(3) The school offering the course shall be a law school accredited by the American Bar Association or college or

university accredited by the Middle States Commission on Higher Education or other regional equivalent.

(c) *Additional Information.* Upon request by the Board, information shall be submitted to the Board concerning the alternative education activity, including any information describing the alternative education activity and the qualifications of anticipated presenters, the method or manner of presentation of materials, and, if requested, a set of the materials.

(d) If an alternative education activity, law school, or graduate level course does not bear entirely on judicial ethics and/or judicial practice, or the method of presenting the course is below minimum standards, the Board may determine that such activity is entitled to no credit or may assign such partial credit as it deems appropriate.

#### Comment

While it is envisioned that these rules anticipate a formal education setting, it is recognized that education may be obtained in a number of manners and forms. The intent behind this rule is not to limit the form or manner of an education presentation, so long as the objectives to be achieved under this judicial education program are realized.

#### Rule 306. Credit for Courses or Activities.

(a) Credit will be given only for completion of courses or activities which are accredited or approved by the Board.

(b) Judges must be physically present at a course or activity to earn credit, unless participating by distance education. Distance education, including, but not limited to, simulcast, computer-based, and teleconference may be approved for credit provided they meet the interactive and technical requirements of the Board.

(c) One (1) hour of credit will be awarded for each sixty (60) minutes of substantive programming.

(d) No provider shall schedule a class for less than sixty (60) minutes, but one-half hour credit shall be awarded for attendance of at least thirty (30) minutes but less than sixty (60) minutes beyond the initial sixty (60) minutes. Increments of less than thirty (30) minutes will not be awarded credit. However, single course offerings that span over a number of hours may have credit time aggregated for the purpose of credit calculations, excluding time for breaks.

(e) *Carry Forward Credits.* A judge may carry forward for one (1) year a balance of credit hours in excess of the current annual requirements, and they shall retain their character as such for that succeeding reporting year.

(f) *Excess Credits for Ethics.* Credits for judicial ethics in excess of the annual requirement may be either carried forward to the following year, or applied toward remaining annual CJE requirements, except they may not be substituted for Department-required courses.

(g) If a course or activity is approved for both substantive and ethics credit, a judge must be present for the entire course to be eligible for the ethics credit.

(h) Credit will only be given for the first time a course or activity is attended or taught in any compliance year.

#### Comment

A judge who teaches or attends the same course or activity three (3) times in one compliance year cannot use the second or third time it was taught or attended for credit.

#### Rule 307. Courses by the Judicial Education Department.

(a) Courses offered by the Department shall be designed by or under the supervision of the Department with general oversight by the Board.

(b) Department courses shall be designed so as to enhance the basic program requirements established under these rules.

(c) The Department shall ensure that a sufficient number of courses and locations are reasonably available to enable judges to comply with Rule 302(a) (Courses Offered by the Department).

#### Rule 308. Teaching for CJE Credits.

(a) Judges may receive credit for teaching, subject to the following provisions:

(1) Judges will only receive credit for teaching a course or activity otherwise approved for credit under these rules and that is designed primarily for other judges.

(2) Credit for teaching will be given on the basis of two (2) hours credit for each hour of presentation for the first time credit is sought in any compliance period. Repeat presentations during a compliance period will not be entitled to any further credit. *See* Rule 306(h).

#### Comment

Teaching credits are limited to situations where the judge is teaching primarily to other judges. When this occurs, the judge may be entitled to two credits for every hour of instruction, subject to the limitations herein and in Rule 302(b). Any other teaching, such as to lawyers, law students, etc., may be entitled to credit for attending the course, provided the course is otherwise approved for credit under these rules.

(b) Teaching completed before adoption of these rules.

Subject to other provisions of these rules, any teaching completed before the effective date of these rules shall be entitled to two hours credit for each hour of presentation where the judge has prepared quality written materials for use in the presentation.

#### Rule 401. Accredited Providers.

(a) The following entities are hereby designated as Accredited Providers:

(1) The AOPC Judicial Education Department.

(2) The Education Committee of the Pennsylvania Conference of State Trial Judges.

(3) The National Judicial College.

(b) Any entity that institutionally provides education primarily to judges may apply to be recognized as an accredited provider under these rules.

(1) Application may be made for certification as an accredited provider by submitting the appropriate form or documentation to the Department for action by the Board.

(2) Accredited provider status may be granted at the discretion of the Board if:

(i) within the past two (2) years, five (5) separate programs of CJE have been presented that meet the standards of quality set forth in these rules, or

(ii) the Applicant has demonstrated to the Board that the provider has consistently met the standards of quality set forth in these rules.

(3) The Board may require applicants or accredited providers to complete a course of training to obtain or continue the provider's accredited status.

(c) The grant of certification under subdivision (b) of this rule shall be effective for a period of two (2) years from the date of the grant. The accreditation may be renewed every two (2) years as follows:

(1) The status as an accredited provider may be renewed by filing an application at least sixty (60) days prior to the end of the provider's current accreditation period.

(2) The Board shall determine if there are pending or past breaches of these rules, and the Board, at its discretion, may condition renewal upon the provider meeting additional requirements specified by the Board.

(3) In determining if an accredited provider's status should be renewed for an additional two-year period, the Board shall consider:

(i) the quality and substance of the programs the accredited provider has presented over the prior two years;

(ii) the accredited provider's compliance with these rules; and

(iii) any other information relevant to assessing the accredited provider's commitment to providing the highest quality of judicial education.

(4) If an application for renewal is timely filed, the accredited provider status shall continue until the Board acts on the application for renewal.

(5) If an application for renewal is not timely filed before the end of the provider's accreditation period, the provider's accredited status will terminate at the end of the period. Any application received thereafter shall be considered by the Board as an initial application for accredited provider status.

(d) Accredited providers shall file with the Board an announcement of each CJE activity on a form provided by the Board at least thirty (30) days prior to the presentation of the activity.

#### **Rule 402. Evaluations.**

Accredited providers must utilize participant evaluation methods to determine the effectiveness of offerings and the extent to which they meet the needs of judges and, upon a request from the Board, provide evaluations by the attendees on such forms as the Board shall approve.

#### **Rule 403. Revocation or Non-Renewal of Accredited Provider Status.**

(a) Accredited provider status may be revoked by the Board at any time if the provider is out of compliance with these rules or the Board determines that the content of course material or the quality of the CJE activities or provider's performance does not meet the standards set forth in these rules.

(b) If an applicant or accredited provider is determined by the Board not to meet, or to be deficient in maintaining, accreditation status such that its application for accreditation approval or renewal is denied or its accreditation status is revoked, the applicant or provider shall be notified in writing by the Board of the nature of such failure or deficiency.

(c) The decision of the Board shall be final.

#### **Rule 404. Approval of Courses or Activities Conducted by Non-Accredited Providers.**

(a) A provider of CJE courses or activities which has not been certified as an accredited provider under these rules may apply for accreditation of a single CJE course or activity on a form provided by the Board. The Board may require submission of a detailed description of the provider, the course or activity, the materials, and the lectures. All courses or activities must be consistent with the provisions of these rules and subject to the following:

(1) *Individual Approval Required.* Each CJE course or activity conducted by a provider which has not been accredited by the Board must be approved by the Board for credit.

(2) *Requests for Approval.* A judge or provider should request Board approval for CJE courses or activities conducted by a non-accredited provider at least sixty (60) days prior to the course, but in all events a judge or provider must request such approval no more than thirty (30) days after completing the course or activity in order for the request to be considered.

(3) *Additional Information.* Upon request by the Board, additional information shall be provided concerning the provider, the course or activity, and any information describing the course or activity, the qualifications of anticipated presenters, the method or manner of presentation of materials, and, if requested, a set of the materials.

(4) If a course or activity does not bear entirely on judicial ethics and/or judicial practice, or the method of presenting the course or activity is below minimum standards, the Board may determine that such course or activity is entitled to no credit or may assign such partial credit as it deems appropriate.

(b) Representation that the course or activity has been accredited is prohibited unless prior written approval is granted by the Board.

#### **Rule 501. Deferrals, Waivers, and Special Status.**

(a) *Deferral.* A "deferral" is an extension of time granted by the Board in which to complete CJE requirements.

A deferral of any CJE requirements may be authorized by the Board for good cause shown. The length of any deferral shall be in the Board's sole discretion. In no event, however, may a deferral extend beyond December 31 of the subsequent year to the year in which the deferral was granted. All deferred credits must be completed by expiration of the time granted for deferral. Deferred credits completed in any year subsequent to the year in which the deferral was granted shall be in addition to that subsequent year's annual CJE requirements.

(b) *Senior Judges.* Judges who are certified for senior status must complete the CJE requirements for each year of certified senior status. Any judge who is not active, but eligible and not yet certified for senior status under Pa.R.J.A. No. 701, shall upon certification for senior status complete the CJE requirements for the year in which certification is granted as follows:

(1) if certification occurs between January 1 and March 31: 12 credits; 3 of which must be ethics and 4 of which must be developed by or under the supervision of the Department;

(2) if certification occurs between April 1 and June 30: 9 credits, 3 of which must be ethics and 3 of which must be developed by or under the supervision of the Department;

(3) if certification occurs between July 1 and August 31: 6 credits; 2 of which must be ethics and 2 of which must be developed by or under the supervision of the Department;

(4) if certification occurs after September 1: 3 credits; 1 of which must be ethics. The judge shall have until the end of the first quarter of the following calendar year to complete these three (3) credits.

(5) If in a final year of active service, a senior judge does not complete all required CJE requirements, the senior judge shall not be eligible for further judicial service until all credit hours in arrears, in addition to current year requirements for which the senior judge again is to serve, are satisfied. In no event shall a judge be required to complete more than two (2) times the annual requirement for CJE.

*Example:* Judge X has retired from active service and is eligible for senior status. In October of the following year, Judge X is certified as a senior judge but has completed no CJE requirements for that calendar year. Judge X will have until the end of the following year to complete 15 CJE credits (3 for the year certified and 12 for the current year).

(c) *Waiver.* A “waiver” is a grant by the Board that CJE requirements may be excused. The Board may waive any amount of CJE requirements for a period of not more than one (1) year upon a finding by the Board of:

(1) undue hardship, including extraordinary situations that could not reasonably have been anticipated;

(2) circumstances beyond the control of the judge that prevent the judge from complying in any reasonable manner with CJE requirements; or

(3) circumstances under which the Board determines a waiver request manifestly demonstrates good cause.

(d) *Judges Leaving Active Service.*

(1) *General Rule.* All judges must complete the CJE requirements for each year of active service.

(2) *Pro Rata Credits.* When a judge leaves active service before the end of a full calendar year, CJE requirements shall be pro-rated as follows:

(i) if separation occurs after September 1, 12 credits: 3 of which must be ethics and 4 of which must be developed by or under the supervision of the Department;

(ii) if separation occurs between July 1 and August 31: 9 credits, 3 of which must be ethics and 3 of which must be developed by or under the supervision of the Department;

(iii) if separation occurs between April 1 and June 30: 6 credits; 2 of which must be ethics and 2 of which must be developed by or under the supervision of the Department;

(iv) if separation occurs before March 31, all CJE requirements for that calendar year shall be waived.

(3) *Effect on Senior Status:* If a judge leaves active service before completing the CJE requirements as described above, the judge shall not be eligible for certification for senior status until the credits required for the retirement year have been fulfilled. These credits shall be in addition to the CJE requirements for the year the judge becomes certified for senior service.

### Comment

Fulfillment of CJE requirements are required for all years of active judicial service. Should a retiring judge desire not to complete all CJE requirements in a retiring year, a waiver should be requested from the Board demonstrating good cause for the waiver request.

(e) *Members of the Armed Forces.* Compliance with these rules shall be waived for members of the Armed Forces on active duty during the period of their active duty. A judge completing active duty shall notify the Board within thirty (30) days of returning to judicial service. Thereafter, the judge must comply with CJE requirements for the forthcoming year.

### Rule 601. Continuing Judicial Education Reporting Responsibilities.

Reporting of CJE courses and/or activities on forms acceptable to the Department shall be the responsibility of the individual judge.

### Rule 602. Reporting of Courses or Activities.

(a) *Accredited courses or activities.* Credit for accredited courses or activities must be submitted on forms approved by the Board within thirty (30) days of the end of each calendar year in which the course or activity occurred.

(b) *Non-accredited courses or activities.* Credit for non-accredited courses or activities must be submitted on forms approved by the Board within thirty (30) days of completion of the course or activity.

### Rule 603. Annual Compliance Reporting.

(a) The Board shall ensure that each judge is notified annually of his or her CJE credit status three (3) months prior to the final day of the calendar year, and will ensure a final annual compliance notification is sent to each judge sixty (60) days after the end of each calendar year. The final compliance notification shall include the credit hours earned and reported to the Board during the calendar year, and will note any carry forward credits.

(b) If a judge disagrees with an annual compliance report, the judge shall, within thirty (30) days of the date thereof, notify the Board in writing setting forth the matter in dispute.

(c) Each judge shall maintain records sufficient to establish compliance with the CJE requirement for no less than two (2) years preceding each compliant year, and in the event of a dispute with a final compliance report for two years after the compliance dispute is resolved.

(d) All Board notices which may require an action or response shall be provided in writing to the judge by the Department, and the date of mailing and address where the notice is sent shall be noted in the records of the Department.

### Rule 604. Noncompliance and Compliance Disputes: Judges.

(a) If, after notification by the Department that a judge has failed to comply with these rules, or is determined to be deficient in his or her CJE requirement, such judge shall be notified in writing by the Board or Department of the nature of such noncompliance, and shall be given one hundred eighty (180) days from the date of the notice to remedy such noncompliance.

(b) Within one hundred eighty (180) days of a notice of noncompliance, a noncompliant judge must provide evidence of compliance or request a hearing before the Board.

(c) If, in response to a notice of noncompliance, a judge timely files a request for a hearing, the Board shall schedule a hearing pursuant to Rule 605.

(d) If the Board finds that the judge had reasonable cause for noncompliance, the judge shall have one hundred eighty (180) days from the date of notice of the Board's decision to correct the noncompliance. If compliance is not achieved without good cause shown within such period, the Board shall report the judge and the fact of the judge's noncompliance to the Supreme Court and to the Judicial Conduct Board.

(e) If a judge has been found by the Board to be in noncompliance with these rules, before a judge may be deemed compliant, the judge must have satisfied any prior years of noncompliance, unless any period thereof has been subject to waiver, not to exceed two (2) years worth of credits. Curing noncompliance is in addition to any current year requirements.

(f) Credit hours earned shall first be applied to satisfy the requirements of the compliance period which was the subject of the notice to the judge before any excess credits claimed may be applied to other requirements.

#### **Rule 605. Hearings.**

(a) *Requests for hearings.* All requests for hearings shall be addressed to the Board c/o The Administrative Office of Pennsylvania Courts, Department of Judicial Education, 601 Commonwealth Avenue, Harrisburg, Pennsylvania 17106. All matters shall be heard by the Board, unless in the discretion of the Board Chair, the matter should proceed as otherwise provided in this rule.

(b) In the discretion of the Board's Chair, a matter initially may be assigned to a Board member or panel of Board members for decision. If the hearing is conducted by more than one (1) person, the Chair of the Board shall designate the person who will act as the presiding hearing officer. Within thirty (30) days after the hearing, the member or panel shall submit a recommendation to the Board.

(c) After receipt of the member or panel's recommendation, the Board shall review the matter based upon the existing record, or in its discretion, conduct such further proceedings as it deems appropriate, or review the matter *de novo*.

(d) At all hearings, the petitioner shall have the burden of proof of establishing compliance with these rules by a preponderance of the evidence. Counsel for the Department shall represent the Department if it chooses to participate in any proceeding.

(e) At the hearing, any party shall have the opportunity to call witnesses, examine and cross-examine witnesses, and to introduce such evidence as is relevant to the proceeding. Evidence shall be admitted by the Board, and as long as discretion is not abused, the Board shall not be restrained by technical Rules of Evidence.

(f) All hearings shall be confidential, and shall not be open to the public, except at the request of the judge. Witnesses shall be sworn and a complete electronic record or a transcript shall be made. The presiding hearing officer shall have authority to rule on all motions, objections, and other matters presented.

(g) In investigations and proceedings under these rules, the Board shall have power to issue subpoenas and cause testimony to be taken under oath before the Board or Board members. All subpoenas shall be issued in the name and under the seal of the Supreme Court and

served as provided by the Rules of Civil Procedure. Fees and costs of the subpoenas shall be paid from the funds of the Board or taxed as costs, as determined by the Board.

(h) The member, panel, or Board, as the case may be, may order the testimony of a witness to be taken by deposition within or without this Commonwealth in the manner prescribed for the taking of depositions in the Rules of Civil Procedure and the depositions may be used to the same extent as permitted under those rules. Costs for the taking of a deposition shall be paid from the funds of the Board or taxed as costs, as determined by the Board.

(i) Within a reasonable time after the conclusion of a proceeding, the Board shall issue its decision. A copy of the Board's decision shall be promptly mailed to the judge by the Department.

(j) If a judge is deemed to be noncompliant, a request for a hearing shall not operate as a stay or supersedeas of any action taken by the Board with respect to the judge's noncompliance, unless upon application and good cause shown, the Board grants a stay or supersedeas of its action.

(k) A judge aggrieved by a Board decision may request reconsideration. There is no right to appeal provided under these rules.

[Pa.B. Doc. No. 20-318. Filed for public inspection March 6, 2020, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **MERCER COUNTY**

#### **Local Rule of Juvenile Procedure; No. 3 AD 2020**

*And Now*, this 19th day of February 2020, the Court Hereby *Approves, Adopts and Promulgates* the following Mercer County Local Rule of Juvenile Procedure L3.01. This Rule will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy of this Local Rule with the Administrative Office of Pennsylvania Courts and furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It is further *Ordered and Directed* that this Rule shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Mercer County and the Office of the Prothonotary of Mercer County. This Order shall be published in the *Mercer County Law Journal*.

*By the Court*

ROBERT G. YEATTS,  
*President Judge*

#### **LOCAL RULE OF JUVENILE PROCEDURE**

##### **L3.01. Truancy cases.**

The Mercer County Juvenile Probation Department (MCJPD) shall act in accordance with the following procedures in truancy cases:

1. Receive allegations that a child who failed to satisfy a fine or cost imposed pursuant to Act 138 is dependent



for the purposes of considering the commencement of proceedings pursuant to the Juvenile Act.

2. Conduct an intake investigation to determine if the juvenile is eligible for diversionary alternatives established by MCJPD.

3. Should the juvenile be determined ineligible for a diversionary plan and/or the juvenile and/or juvenile's family fail to comply with the diversionary plan established by MCJPD, then pursuant to Pa.R.J.P. 1320, MCJPD may file with the Clerk of Courts an Application for Private Petition to the Mercer County Children and Youth Services (MCCYS) and commence such proceedings, within a period of fourteen days, pursuant to Pa.R.J.P. 1321.

4. Upon the filing of an Application for Private Petition, the Mercer County Clerk of Courts shall create a juvenile miscellaneous case type in the Common Pleas Case Management System (CPCMS) to begin a matter of record.

5. Upon receipt of the Application for Private Petition being received by MCCYS, MCCYS shall schedule a hearing and assign counsel to the parties promptly.

6. At said hearing, the Court upon a review of all information presented by the MCJPD or other parties, shall make a determination as to whether there are sufficient facts alleged to support a petition of dependency.

7. Should the Court find sufficient facts to support a petition of dependency, the County Agency shall file a petition pursuant to Pa.R.J.P. 1330.

8. Upon the filing of a petition alleging dependency, the Mercer County Clerk of Courts shall close the miscellaneous juvenile case record and open a new case under a dependency docket.

9. Once a proceeding is commenced, the matter shall be adjudicated in accordance with the Pennsylvania Rules of Juvenile Procedure, the Juvenile Act, Pa. Code Rule 195, and act 138 of 2016.

*Explanatory Note:* The Court of Common Pleas of Mercer County adopted this rule pursuant to Act 138 of 2016.

[Pa.B. Doc. No. 20-319. Filed for public inspection March 6, 2020, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

### DEPARTMENT OF HEALTH

#### [ 28 PA. CODE CH. 26 ]

### Opioid Treatment Agreements; Temporary Regulations

The Department of Health (Department) is publishing temporary regulations regarding the Opioid Treatment Agreements. Authority to promulgate these temporary regulations is found in section 52B03 of the act of November 27, 2019 (P.L. 764, No. 112) (Act 112). The authority granted to the Department under section 52B03 provides for the Department to promulgate temporary regulations within 90 days of the effective date of Act 112. Section 52B03 further provides that the temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

The Department engaged various stakeholders in the drafting of these temporary regulations prior to their submission and received various helpful comments. One such comment questioned the use of urine testing (which is the only testing that is specifically mentioned under Act 112). The commenter raised the issue that some individuals cannot produce urine for drug testing and questioned whether other types of drug tests were permissible. As a result of this comment, the Department will allow for other drug testing only when a patient, out of medical necessity, cannot produce urine for drug testing. The Department believes that allowing the exception for other drug tests under this limited and rare circumstance is reasonable and within the parameters of Act 112. Therefore, in these temporary regulations, the Department has added a provision in subsection 26.4(h) addressing this issue.

The Department made a few other changes in the regulations as well. The Department clarified the definition of “individual” to mean a natural person who is at least 18 years of age. The Department added the definition for “prescription” or “prescription order” as defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-102). This addition was a result of comments received that requested clarification as to what exactly constituted a prescription, as differentiated from direct administration of a drug, since that term is used in the statute but was not defined. Section 26.4(a)(3) of the temporary regulations sets forth the items which must be included in an opioid treatment agreement. This regulatory section combines the requirements of section 52B02(a)(3) and (b) of the act so that all requirements are located in one place. The Department added a provision regarding the termination of Opioid Treatment Agreements based on comments received. Commenters requested detail regarding when they may terminate Opioid Treatment Agreements. Finally, the Department added a provision regarding its role in enforcement. Section 26.5(b) was added based on questions from commenters as to when and how the Department would enforce Act 112. Since the Department has no enforcement authority and all enforcement is delegated to

the appropriate licensing boards, the Department will refer any known complaints to those boards.

In drafting these temporary regulations, the Department reached out to stakeholders affected by Act 112. Pennsylvania Osteopathic Medical Association, Pennsylvania Medical Society, Pennsylvania Coalition of Nurse Practitioners, the Pennsylvania Society of Physician Assistants, the Achieving Better Care by Monitoring All Prescriptions Advisory Committee, the Hospital and Healthsystem of Pennsylvania, and the Safe and Effective Opioid Prescribing Practices Task Force were engaged in the drafting of these temporary regulations and were provided an opportunity to comment. All comments were considered and, where appropriate, the temporary regulations were modified in response to comments received. Following implementation, if further guidance is necessary, the Department may address other comments by means of a “Frequently Asked Questions” page published on the Department’s web site.

For additional information or persons with a disability who require an alternative format of this document (for example, large print, audiotope, Braille) contact Peter Blank, Executive Policy Specialist, Department of Health, Harrisburg, PA at (717) 547-3454, 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

*(Editor’s Note: Title 28 of the Pennsylvania Code is amended by adding temporary regulations in §§ 26.1—26.5 as set forth in Annex A.)*

**Fiscal Note:** 10-220. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 28. HEALTH AND SAFETY

### PART III. PREVENTION OF DISEASES

#### CHAPTER 26. OPIOID TREATMENT AGREEMENTS—TEMPORARY REGULATIONS

Sec.	
26.1.	Purpose.
26.2.	Legal basis.
26.3.	Definitions.
26.4.	Procedures.
26.5.	Penalties.

#### § 26.1. Purpose.

This chapter provides for the regulation of Opioid Treatment Agreements for those prescribers and individuals who are required to enter into these agreements when opioids are prescribed for the treatment of chronic pain.

#### § 26.2. Legal basis.

(a) This chapter is promulgated by the Department under the powers granted and the duties mandated by section 52B03 of the act of November 27, 2019 (P.L. 764, No. 112) (Act 112).

(b) The Department has the power to promulgate temporary regulations within 90 days of the effective date of Act 112. The temporary regulations shall not be subject to:

(1) Sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law.

(2) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

(3) The act of June 25, 1982 (P.L. 633, No. 181) (71 P.S. §§ 745.1—745.14) known as the Regulatory Review Act.

**§ 26.3. Definitions.**

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

*Acute pain*—Pain that comes on quickly, may be severe, but lasts a relatively short time and is provoked by a specific condition or injury.

*Baseline test*—The initial assessment through a urine drug test to:

- (1) identify the presence of an illegal substance prior to prescribing a controlled substance; or
- (2) assess the presence or absence of a prescribed drug or drug class.

*Chronic pain*—Pain that persists or progresses over a period of time that may be related to another medical condition and is resistant to medical treatment. The term does not include acute pain.

*Controlled substance*—A drug, substance or immediate precursor included in Schedules II—V of section 4 of the act of April 14, 1972 (P.L. 233, No. 64) (35 P.S. §§ 780-101—780-144), known as The Controlled Substance, Drug, Device and Cosmetic Act.

*Definitive drug test*—A qualitative or quantitative urine drug test used to identify specific drugs, specific drug concentrations and associated metabolites.

*Department*—The Department of Health of the Commonwealth.

*Individual*—A natural person who is at least 18 years of age.

*Medical emergency*—A situation that, in the good faith professional judgment of the prescriber, creates a time sensitive threat of serious risk to the life or physical health of a person. The term includes treatment received in an emergency department or urgent care center under the act of November 2, 2016 (P.L. 976, No. 122), known as the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9).

*Opioid*—Any of the following:

- (1) A preparation or derivative of opium.
- (2) A synthetic narcotic that has opiate-like effects but is not derived from opium.
- (3) A group of naturally occurring peptides that bind to or otherwise influence opiate receptors, including an opioid agonist.

*Periodic test*—A urine drug test that screens for a selection of drugs.

*Prescriber*—As defined in the act of October 27, 2014 (P.L. 2911, No. 191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40).

*Prescription or prescription order*—A written, oral or electronic order for a controlled substance, other drug or medication, or device for medication which is dispensed to or for an ultimate user but does not include an order for a controlled substance, other drug or medication, or device for medication which is dispensed for immediate administration to the ultimate user.

*Presumptive positive drug test*—A urine drug test that is used to identify suspected possible use or nonuse of drugs or a drug class that may be followed by a definitive test to specifically identify drugs or metabolites.

*Targeted test*—A urine drug test ordered at the discretion of a prescriber, based on observation of the prescriber and related circumstances that enhance clinical decision making.

*Treatment agreement*—A document signed by a prescriber and individual that contains a statement to ensure that the individual understands:

- (1) Treatment responsibilities.
- (2) The conditions of medication use.
- (3) The conditions under which the treatment of the individual may be terminated.
- (4) The responsibilities of the prescriber.

**§ 26.4. Procedures.**

(a) *Prescriber requirements.* Except as specified in subsection (c), before issuing an individual the first prescription in a single course of treatment for chronic pain with a controlled substance containing an opioid, regardless of whether the dosage is modified during that course of treatment, a prescriber shall:

- (1) Assess whether the individual has taken or is currently taking a prescription drug for treatment of a substance use disorder.
- (2) Discuss with the individual:
  - (i) The risks of addiction and overdose associated with the controlled substance containing an opioid.
  - (ii) The increased risk of addiction to a controlled substance if the individual suffers from a mental disorder or substance use disorder.
  - (iii) The dangers of taking a controlled substance containing an opioid with benzodiazepines, alcohol or other central nervous system depressants.
  - (iv) Other information deemed appropriate by the prescriber under 21 CFR 201.57(c)(18) (relating to specific requirements on content and format of labeling for human prescription drug and biological products described in § 201.56(b)(1)).
  - (v) The nonopioid treatment options available for treating chronic noncancer pain, if applicable, that are consistent with the best practices per the Pennsylvania Opioid Prescribing Guidelines.

(3) Review and sign a treatment agreement form that includes:

- (i) The goals of the treatment.
- (ii) The consent of the individual to a targeted test in a circumstance where the physician or prescriber determines that a targeted test is medically necessary. The treatment of chronic pain shall be consistent with the Pennsylvania Opioid Prescribing Guidelines.

(iii) The prescription drug prescribing policies of the prescriber, which policies include:

- (A) A requirement that the individual take the medication as prescribed.
- (B) A prohibition on sharing the prescribed medication with other individuals.
- (iv) A requirement that the individual inform the prescriber about any other controlled substances prescribed or taken by the individual.

(v) Any reason why the opioid therapy may be changed or discontinued by the prescriber.

(vi) Appropriate disposal methods for opioids that are no longer being used by the individual as specified in a consultation with the prescriber.

(vii) The brand name or generic name, quantity and initial dose of the controlled substance containing an opioid being prescribed.

(viii) A statement indicating that a controlled substance is a drug or other substance that the United States Drug Enforcement Administration has identified as having a potential for abuse.

(ix) A statement certifying that the prescriber engaged in the discussion under subsection (a)(2).

(x) The signature of the individual and the date of signing. The prescriber may utilize electronic methods to obtain the signature of the individual and the date of signing.

(4) Obtain written consent for the prescription from the individual. The prescriber may utilize electronic methods to obtain the written consent of the individual.

(5) Record the consent under subsection (a)(4) on the treatment agreement form in subsection (a)(3).

(b) The treatment agreement form under subsection (a)(3) shall be maintained by the prescriber in the medical record of the individual.

(c) *Urine drug testing.*

(1) A baseline test, periodic test or targeted test shall be used to establish a general assessment for an individual new to treatment for chronic pain and in monitoring adherence to an existing individual treatment plan, as well as to detect the use of a nonprescribed drug.

(2) A baseline test shall be required prior to the issuance of the initial prescription for chronic pain and shall include confirmatory or quantitative testing of presumptive positive drug test results.

(3) An individual who is treated for addiction or an individual who is considered moderate or high risk by the prescriber shall be tested at least once annually or as frequently as necessary to ensure therapeutic adherence.

(d) *Exception.* Subsection (c) shall not apply if the treatment of an individual with a controlled substance containing an opioid is associated with or incident to:

(1) A medical emergency documented in the medical record of the individual.

(2) The management of pain associated with cancer.

(3) The use in palliative or hospice care.

(4) The professional judgment of the prescriber under subsections (a)(1) and (2).

(e) *Documentation of exception.* If subsection (d) applies, the prescriber shall document in the individual's medical record the factor under subsection (d) that the prescriber believes applies to the individual.

(f) A prescriber may terminate the treatment agreement form under subsection (a)(3) if the prescriber has reasonable belief, based on standards of professional practice, that the treatment agreement is no longer necessary.

(g) If a prescriber terminates a treatment agreement under subsection (f), the prescriber shall:

(1) Document the reason for the termination of the treatment agreement in the individual's medical record.

(2) Inform the individual of the termination of the treatment agreement.

(3) If necessary, work with the individual, to the fullest extent possible, to ensure continuity of care as outlined under 49 Pa. Code § 16.61(a)(17) (relating to unprofessional and immoral conduct).

(h) *Urine testing exception.* If, because of a medical necessity, an individual is unable to produce urine for the urine drug testing required herein, a different type of drug test may be used that is at least equivalent in accuracy to a urine drug test approved by the Food and Drug Administration. Alternative drug tests may not be substituted for urine drug tests under any other circumstances.

**§ 26.5. Penalties.**

(a) A violation of this chapter by a prescriber shall be subject to sanctions under the prescriber's professional practice act and by the appropriate licensing board.

(b) The Department will refer a complaint of a violation of this chapter, if known to the Department, to the appropriate licensing board for sanctions under subsection (a).

[Pa.B. Doc. No. 20-320. Filed for public inspection March 6, 2020, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### [ 49 PA. CODE CH. 43b ]

#### Technical Corrections to Schedules of Civil Penalties

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) hereby amends §§ 43b.4, 43b.8, 43b.9, 43b.12a, 43b.13a and 43b.14a, pertaining to schedules of civil penalties, to read as set forth in Annex A.

#### *Effective Date*

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (63 P.S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards.

#### *Background and Purpose*

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right to

a hearing prior to the imposition of the civil penalty. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts.

Over time, some of the statutory and regulatory provisions cited in the schedules of civil penalties have been either amended, renumbered or repealed, resulting in incorrect legal authority being used by agents of the Bureau when issuing citations for violations subject to the civil penalty schedules. In addition, some of the existing legal citations have been held to be incorrect by the Office of Hearing Examiners in administrative enforcement proceedings and therefore need to be corrected. These regulations are needed to make technical corrections to the civil penalty schedules to assure that the correct legal authority is being cited when agents of the Bureau issue citations for violations set forth in the civil penalty schedules. Failure to make these technical corrections will adversely affect the Bureau's enforcement efforts and cause additional delays and expense to both the Commonwealth and the licensees due to the need to initiate formal disciplinary proceedings under the relevant practice act or regulations instead of simply issuing a citation under Act 48.

#### *Omission of Proposed Rulemaking*

Under section 204(3) of the Commonwealth Documents Law (CDL) (45 P.S. § 1204(3)), the Commissioner is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Commissioner finds that the specified procedures are impracticable, unnecessary or contrary to the public interest.

Publication of proposed rulemaking is unnecessary because the rulemaking is needed to correct legal citations to the provisions of the acts and regulations, to remove outdated provisions and to restructure some of the schedules, but does not make any substantive changes to the civil penalties to be imposed for the violations set forth in the schedules, therefore public comment is not necessary. It is also contrary to the public interest because until the legal citation is corrected, enforcement efforts are adversely impacted in that citations issued with incorrect legal citation have been dismissed necessitating the refiling of formal disciplinary proceedings, causing unneeded delay and additional expense for the parties.

#### *Description of Amendments*

##### *Section 43b.4 Schedule of civil penalties—barbers and barber shops*

The Commissioner is restructuring the civil penalty schedules for licensees of the State Board of Barber Examiners (Barber Board) to include citations to the regulations of the Barber Board wherever possible to aid clarity. Language of the statute is archaic and is often confusing, while the regulations are much clearer in establishing the duties of licensees. Thus, where a violation is found in both the act of June 19, 1931 (P.L. 589, No. 202), commonly referred to as the Barber Licensure Law (63 P.S. §§ 551—567), and in the regulations of the Barber Board, the Commissioner is amending the schedule to include both references. In addition, the Commissioner is relocating the civil penalties that rely on regulatory provisions alone so that all violations are contained in one schedule. (Currently, there is a schedule for violations of the Barber Licensure Law, and a schedule for violations of the Barber Board's regulations.) No substantive changes were made to the schedules of civil penalties that were relocated.

For violations relating to practicing barbering or operating a barber shop or school on a lapsed or expired license, the Commissioner is deleting the existing reference to the statutory provisions in sections 8 and 12(a)(2) (63 P.S. §§ 558 and 562(a)(2)) because they have been routinely held by the Office of the Hearing Examiners to support a violation only when the licensee has been convicted of a summary offense in a criminal proceeding. Instead, the Commissioner is replacing these statutory provisions with the regulatory provision at § 3.15(a) (relating to escrow of licenses and failure to renew), which clearly provides the duty of a licensee to biennially register one's license, and that a licensee is not permitted to practice in this Commonwealth while unregistered. The Commissioner is also including the term "unregistered" in the schedule of civil penalties to be consistent with the language used in § 3.15(a). Currently, for violations of operating a business or facility without a license, the statutory authority in 63 P.S. § 560 is cited. However, it is section 12(a)(1) of the Barber Licensure Law that requires "[a]ny copartnership, corporation, or person desiring to operate or conduct a barber shop or barber school, shall first secure from the board a license to do so. . ." Therefore, the statutory authority for operating a business or facility without a license has been corrected. In addition, the Commissioner is replacing the generic terms "business or facility" and "establishment" where they are used in the schedule of civil penalties with the more specific terms "shop" or "school" because these are the only types of businesses/facilities/establishments licensed by the Barber Board. Finally, the Commissioner is deleting the references to "permits" because the Barber Board does not issue permits to operate a shop or school—rather, the Barber Board issues licenses.

##### *Section 43b.8 Schedule of civil penalties—real estate and cemetery brokers, real estate schools*

The Commissioner is amending the schedule of civil penalties that applies to licensees of the State Real Estate Commission (Commission) to correct the statutory authority for the violation of section 609(b) of the Real Estate Licensing and Registration Act (RELRA) (63 P.S. § 455.609(b)), which sets forth the duty of a licensee to include the right-of-cancellation information in a time share or campground membership contract. The Commissioner is also removing the schedule for the violation of § 35.245(b) (relating to display of licenses in office) for "failure to display current license" which was deleted in the 2005 amendments to the Commission's regulations. The schedule of civil penalties was not updated at that time to remove the corresponding violation from the schedule, so that oversight is being corrected. The Commissioner is also correcting the regulatory provision cited for the violation of "failure of broker or cemetery broker to maintain a list of licensees employed or affiliated with the broker or cemetery broker at the branch office out of which each licensee works." Currently, the schedule identifies the regulatory provision as § 35.245(c), which is now subsection (b). This amendment was also made in 2005, and the schedule of civil penalties was not corrected at that time.

In addition, the Commissioner is correcting the description of the various violations pertaining to § 35.361 (relating to display of documents and approved name) because this section was amended in 2004, while the schedule of civil penalties was not updated to reflect those revisions. Real estate schools are now referred to as "real estate education providers" and § 35.361 was revised to have only three subsections with revised language. The revised language is now reflected in the

schedule of civil penalties. Specifically, § 35.361(a) was revised to eliminate the requirement that a real estate education provider prominently display a copy of its certificate of approval at any satellite locations. This subset of violation is therefore being removed from the schedule of civil penalties. Subsection (b) was revised to require all real estate education providers to prominently display the approved name “at each location where courses are taught” instead of “outside each school location.” This change in language is being reflected in the revised schedule of civil penalties. Finally, the schedules of civil penalties for violations of § 35.361(c) and (d) are being deleted. The Commissioner is also correcting some typographical errors in the schedule of civil penalties.

*Section 43b.9 Schedule of civil penalties—vehicle manufacturers, dealers and salespersons*

The act of October 24, 2018 (P.L. 816, No. 134) (Act 134 of 2018) made omnibus amendments to the Board of Vehicles Act (63 P.S. §§ 818.1—818.37) which, among other things, renumbered the entire act. The amendments made by Act 134 of 2018 were effective in 1 year—specifically, on October 24, 2019. Therefore, it is necessary to amend the statutory provisions cited in the schedule of civil penalties to correspond to the renumbered sections. In addition, all of the violations under 49 Pa. Code § 19.18 (relating to established place of business for dealers) need to be corrected because they refer to subsection (a)(1)—(9). However, there is no subsection (a) in § 19.18. There are only paragraphs (1)—(9).

*Section 43b.12a Schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies*

The Commissioner is amending the schedule of civil penalties for violations under the Auctioneer Licensing and Trading Assistant Registration Act (Auctioneer Act) (63 P.S. §§ 734.1—734.34) to correspond to the 2016 amendments made to the Auctioneer Act, including the repeal of sections 9, 10, 11 and 17. First, pertaining to the violation for “Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth,” the Commissioner is adding additional statutory authority in section 5 of the Auctioneer Act (63 P.S. § 734.5(e)), which clearly sets forth the duty of a licensee to renew one’s license biennially. Next, the Commissioner is deleting all violations related to auction houses, as the 2016 amendments eliminated this licensure class. All violations for unlicensed practice have been amended to refer to section 3(a) of the Auctioneer Act (63 P.S. § 734.3(a)), which clearly provides that it is unlawful for any person to engage in the business or profession of an auctioneer, apprentice auctioneer or an auction company without first obtaining a license. Additionally, the violations pertaining to duties of licensees to enter into written contracts and to keep contracts on file in the office of the auctioneer (formerly located in section 17) are now found in section 15.1 of the Auctioneer Act (63 P.S. § 734.15.1) as amended in 2016.

*Section 43b.13a Schedule of civil penalties—engineers, land surveyors and geologists*

The current schedule of civil penalties provides that, among other violations, a licensee of the State Registration Board for Professional Engineers, Land Surveyors and Geologists may be cited for failure to complete the required amount of continuing education in violation of section 4.5(a) of the Engineer, Land Surveyor and Geologist Registration law (Engineer Law) (63 P.S. § 151.5(a)). However, section 4.5(a) of the Engineer Law merely

provides that the public interest requires continuing professional competency. It is section 4.5(b) that requires licensees to meet the continuing professional competency requirements as a condition of licensure renewal, and section 4.5(c) that specifically requires licensees to obtain 24 professional development hours each biennial renewal cycle. The current schedule thus cites to an incorrect section of the Engineer Law. See *Evans v. State Reg. Bd. For Prof. Engineers, Land Surveyors and Geologists*, 15 A.3d 99 (Pa. Cmwlth. 2011) (holding that licensee cannot be disciplined for “violating” a section of the act that empowers a licensing board to do tasks but does not impose any duties on licensees). This final-omitted rulemaking corrects the schedule to cite to section 4.5(b) and (c) (63 P.S. § 151.5(b) and (c)).

*Section 43b.14a Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants*

In August of 2000, the State Board of Dentistry amended its regulations in § 33.105 (relating to biennial renewal of licenses and certificates). At that time, a new subsection was added and the existing subsection (b), which prohibited practice on a lapsed license or certificate, became subsection (c). However, no amendment was made to the corresponding schedule of civil penalties for practicing on a lapsed license/certificate. This final-omitted rulemaking corrects that oversight.

*Fiscal Impact and Paperwork Requirements*

There is no fiscal impact and no paperwork requirements are associated with this final-omitted rulemaking.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on January 16, 2020, the Commissioner submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under sections 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a (j.2)), this final-omitted rulemaking was deemed approved by the House and Senate Committees. The Attorney General approved the amendment on February 13, 2020. Under section 5.1(e) of the Regulatory Review Act, IRRC met and approved this final-omitted rulemaking.

*Additional Information*

For additional information about the final-omitted rulemaking, submit inquiries to the Bureau of Professional and Occupational Affairs, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-BPOA@pa.gov.

*Findings*

The Commissioner finds that:

(1) Public notice of the Commissioner’s intention to amend these regulations under the procedures in sections 201 and 202 of the Commonwealth Documents Law (CDL) (45 P.S. §§ 1201 and 1202) has been omitted under section 204 of the CDL (45 P.S. § 1204) because publication of proposed rulemaking is unnecessary in that the amendments simply correct legal citations contained in the schedules, remove outdated provisions and restructure some of the schedules, but do not make any substan-

tive changes to the civil penalties to be imposed. It is also contrary to the public interest because citations issued with incorrect legal citations have been dismissed, necessitating the refile of formal disciplinary proceedings resulting in unneeded delay and additional expense for the parties.

(2) The amendment of the regulations in the manner provided in this order is necessary and appropriate to effectuate the purposes of Act 48 and to aid in the enforcement efforts of the Bureau.

*Order*

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations at 49 Pa. Code are amended by amending §§ 43b.4, 43b.8, 43b.9, 43b.12a, 43b.13a and 43b.14a to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and the Office

of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall submit this order and Annex A to IRRC, the SCP/PLC and the HPLC as required by law.

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

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

K. KALONJI JOHNSON,  
*Acting Commissioner*

*(Editor's Note: See 50 Pa.B. 1482 (March 7, 2020) for IRRC's approval order.)*

**Fiscal Note:** 16A-062. 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 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**Subchapter A. SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL**

**§ 43b.4. Schedule of civil penalties—barbers and barber shops.**

**STATE BOARD OF BARBER EXAMINERS**

<i>Violation under 35 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(1)	Failure of licensed barber shop or school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P.S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(2)	Barber shop permitting smoking in the barber shop or barber school permitting smoking in the barber school in violation of the Clean Indoor Air Act (35 P.S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in a barber shop or in a barber school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code Chapter 3</i>	<i>Title/Description</i>
Section 551	N/A	Practicing without a license
Section 557	Section 3.13(a)	Availability of current license on premises
		<i>Civil Penalty</i>
		1st offense—\$500 2nd offense—Formal action
		1st offense—\$150 2nd offense—\$500

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code Chapter 3</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
N/A	Section 3.15(a)	Practicing on a lapsed or expired (unregistered) license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
N/A	Section 3.15(a)	Operating a shop or school on a lapsed or expired (unregistered) license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; from 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 559(a)(6)	Section 3.14(a)	Failure to employ licensed persons	1st offense—\$500 for each individual unlicensed barber 2nd offense—Formal action
Section 560	Section 3.51(a)	Opening shop for business before shop inspected and approved	1st offense—\$200 2nd offense—Formal action
Section 560	Section 3.51(a)	Failure to file application when taking over as owner of an existing shop	1st offense—\$500 2nd offense—Formal action
Section 562	N/A	Operating a shop without supervision of designated manager barber or other designated licensee	1st offense—\$250 2nd offense—Formal action
Section 562(a)(1)	N/A	Operating a shop or school without a license	1st offense—\$500 2nd offense—Formal action
Section 560	Section 3.51(a)	Failure to obtain a new shop license when shop moves	1st offense—\$500 2nd offense—Formal action
Section 563(a)	Section 3.14(b)	Licensee practicing in place other than licensed shop	1st offense—\$500 2nd offense—Formal action
N/A	Section 3.51(b)	Failure to register trade name	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.54	Failure to meet minimum equipment requirements	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.55	Failure to meet minimum maintenance and sanitation requirements	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.85	School equipment does not meet requirements	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.86	School maintenance and sanitation requirements not met	1st offense—\$250 2nd offense—Formal action
N/A	Section 3.89	School advertising requirements not met	1st offense—\$250 2nd offense—Formal action

**§ 43b.8. Schedule of civil penalties—real estate and cemetery brokers, real estate education providers.**

**STATE REAL ESTATE COMMISSION**

<i>Violation under 35 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(1)	Failure of broker or cemetery broker to post a sign in a real estate office or cemetery office or real estate education provider to post a sign in a real estate school as required under section 4 of the Clean Indoor Air Act (35 P.S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(2)	Broker or cemetery broker permitting smoking in a real estate or cemetery office or real estate education provider permitting smoking in a real estate school in violation of the Clean Indoor Air Act (35 P.S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000



<i>Violation under 35 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(3)	Licensee of the Commission smoking in a real estate office, cemetery office or real estate school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
<i>Violation under 63 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 455.301	Acting in capacity of cemetery broker or cemetery salesperson without a license	1st offense—\$250 per violation 2nd offense—\$500 per violation
Section 455.601(a)	Failure of licensee to notify Commission of change of location of office of broker or cemetery broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.601(a)	Failure of broker or cemetery broker to maintain sign with licensed name outside office	1st offense—\$250 2nd offense—\$500
Section 455.603	Failure of licensee to notify Commission of change of employing broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.604(a)(4)	Use of any trade name or insignia or membership in any real estate association or organization of which the licensee is not a member	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(8)	Placing a “for sale” or “for rent” sign or advertising property without the written consent of the owner	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(16)	Failure to exercise adequate supervision of licensed salesperson or associate broker (when subordinate violates § 455.601(a), § 455.603 or § 455.604(a)(21))	Same as penalty for underlying offense by subordinate
Section 455.604(a)(21)	Failure of licensee to have current license when performing licensed activity	1st offense—\$250 per month up to \$1,000 2nd offense—Formal action
Section 455.609(b)	Failure to include right-of-cancellation information in a time share or campground membership	1st offense—\$500 2nd offense—\$1,000
Section 2205(b)(2)	Aiding and abetting cemetery or real estate sales activities by unlicensed individuals	1st offense—\$250 per individual 2nd offense—\$500 per individual
<i>Violation under 49 Pa. Code Chapter 35</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 35.242(a)	Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy	1st offense—\$125 2nd offense—\$250
Section 35.242(b)	Failure of broker or cemetery broker to maintain separate entrance to office located in private residence	1st offense—\$125 2nd offense—\$250
Section 35.242(c)	Failure of broker or cemetery broker to display business name prominently and in permanent fashion outside office	1st offense—\$250 2nd offense—\$500
Section 35.243(a)	Failure of broker or cemetery broker to obtain license before opening branch office	1st offense—\$250 2nd offense—\$500
Section 35.245(a)	Failure of broker, cemetery broker or rental listing referral agent to maintain the current license of employed or affiliated licensees at main office	1st offense—\$125 2nd offense—\$250
Section 35.245(b)	Failure of broker or cemetery broker to maintain a list of licensees employed or affiliated with the broker or cemetery broker at the branch office out of which each licensee works	1st offense—\$125 2nd offense—\$250
Section 35.285	Failure to provide Commission or its representative with information regarding a franchisor, network or other parent real estate company with which the licensee is or may become affiliated	1st offense—\$250 2nd offense—\$500

<i>Violation under 49 Pa. Code Chapter 35</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 35.286(a)	Failure of broker to retain a copy of the written estimate of reasonably foreseeable expenses required under 49 Pa. Code § 35.334 (relating to statements of estimated cost and return)	1st offense—\$250 2nd offense—\$500
Section 35.286(a)(1)	Failure of broker, associate broker or salesperson to retain a copy of the acknowledgement portion of the Consumer Notice	1st offense—\$250 2nd offense—\$500
Section 35.286(b)	Failure of a licensed entity other than an individual to produce its corporate, partnership or association records for examination by the Commission or its authorized representative	1st offense—\$250 2nd offense—\$500
Section 35.290(b)	Failure of a licensee to notify the Commission of disciplinary action taken against the licensee by the real estate licensing authority of another jurisdiction within 30 days of receiving notice of the disciplinary action	1st offense—\$500 2nd offense—\$1,000
Section 35.292(a)(6)	Failure of broker, associate broker or salesperson to provide a copy of the Consumer Notice as required under 63 P.S. § 455.608 (relating to information to be given at initial interview)	1st offense—\$250 2nd offense—\$500
Section 35.301(a)	Advertising the sale or lease of real estate without the authority of the seller or lessor or its agent	1st offense—\$250 2nd offense—\$500
Section 35.301(b)	Publishing information about a rental property if the lessor or property manager expressly stated that the property was not to be included in lists prepared by rental listing referral agents	1st offense—\$250 2nd offense—\$500
Section 35.304	Failure of a licensee who sells or leases his own real estate to disclose in ads for the property that he is a licensee	1st offense—\$250 2nd offense—\$500
Section 35.305(a)	Failure of broker, cemetery broker or rental listing referral agent to advertise or hold himself out to public under business name designated on license	1st offense—\$250 2nd offense—\$500
Section 35.305(b)	Advertising or using a nickname that has not been registered with the Commission	1st offense—\$250 2nd offense—\$500
Section 35.305(c)	Failure of salesperson or associate broker to include the business name and telephone number of the broker in at least equal size as the salesperson's or associate broker's name and telephone number on an advertisement	1st offense—\$250 2nd offense—\$500
Section 35.334	Failure of broker to provide a written estimate of reasonably foreseeable expenses	1st offense—\$250 2nd offense—\$500
Section 35.361(a)	Failure of real estate education provider to prominently display certificate of approval at main location	1st offense—\$125 2nd offense—\$250
Section 35.361(b)	Failure of real estate education provider to prominently display approved name at each location where courses are taught	1st offense—\$250 2nd offense—\$500

**§ 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.**

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

<i>Violation under 35 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(1)	Failure of vehicle dealer, branch lot, public or retain vehicle auction, or wholesale vehicle auction to post a sign as required under section 4 of the Clean Indoor Air Act.	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

<i>Violation under 35 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(2)	Vehicle dealership, branch lot, public or retail vehicle auction, or wholesale vehicle auction permitting smoking in an area where smoking is prohibited by the Clean Indoor Air Act (35 P.S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in an area of the vehicle dealership, branch lot, public or retail vehicle auction or wholesale vehicle auction where smoking is prohibited by the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
<i>Violation under 63 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 818.303(a)	Person or entity engaging in business of vehicle dealer, auction, manufacturer or distributor without license or acting as broker	Each offense—\$1,000
Section 818.303(a)	Person engaging in business as a factory representative or distributor representative without a license	1st offense—\$100 2nd offense—\$500 3rd offense—\$1,000
Section 818.303(a)	Individual working as unlicensed salesperson for dealership	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.303(c)	Licensed salesperson working as salesperson for dealership other than for whom salesperson is licensed	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.303(d)	Failure to display license in principal office	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.303(h)	Vehicle auction not posting list of revoked/suspended licensees	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.318(15)	Licensed dealer employing unlicensed salesperson	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action
Section 818.318(29)	Wholesale auction permitting unlicensed or revoked or currently suspended dealer or vehicle business to buy, sell or represent vehicle at auction	1st offense—\$250 2nd offense—\$500 3rd offense—\$1,000 Subsequent offense—Formal action
Section 818.318(30)	Dealer permitting revoked or currently suspended salesperson to sell, represent or purchase vehicle at auction	1st offense—\$500 2nd offense—\$1000 3rd offense—Formal action
Sections 818.303(a) and 818.318(27)	Licensed dealer operating an unlicensed branch lot	1st offense—\$1,000 2nd offense—Formal action
Sections 818.303(f)(5) and (g)(1) and 818.318(38)	Person with revoked or currently suspended dealer or salesperson license physically present during auctioning of vehicles	Each offense \$1,000
Section 818.318(34)	Licensed dealer conducting its business under any name other than its licensed name	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.318(37)	Licensed dealer failing to produce records to an authorized agent of the Board	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action

<i>Violations under 49 Pa. Code Chapter 19</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 19.17	Broker or dealer business identity combined with other businesses	1st offense—\$100 2nd offense—\$500
Section 19.18(1)	Dealer does not have permanent enclosed building	1st offense—\$100 2nd offense—\$500
Section 19.18(2)	Dealership does not have private office	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(i)(A)	Dealer display area for five vehicles or 5,000 square feet	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(ii)	Display lot not graded and surfaced with required material	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(iii)	Display area separated from adjacent parking area	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(iv)	Display area lighted if open evenings	1st offense—\$100 2nd offense—\$500
Section 19.18(5)	Dealer fails to maintain separate telephone line	1st offense—\$100 2nd offense—\$500
Section 19.18(6)	Business sign not permanent or visible to the public	1st offense—\$100 2nd offense—\$500
Section 19.18(7)	Dealership in violation of land use ordinances	1st offense—\$100 2nd offense—\$500
Section 19.18(9)	Failure to post business hours	1st offense—\$100 2nd offense—\$500

**§ 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers and auction companies.**

**STATE BOARD OF AUCTIONEER EXAMINERS**

<i>Violation Under 63 P.S.</i>	<i>Violations Under Title 49 Chapter 1</i>	<i>Description of Violation</i>	<i>Penalties</i>
Sections 734.3(a), 734.5(e) and 734.20(a)(9)	N/A	Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.3(a) and 734.20(a)(9)	N/A	Engaging in unlicensed auctioneering activities in this Commonwealth.	1st offense—\$1,000 2nd offense—formal action
Sections 734.3(a) and 734.20(a)(9)	N/A	Operating as an unlicensed auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.3(a)(1), 734.5(e) and 734.20(a)(9)	N/A	Operating an auction company on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Section 734.20(a)(12)	N/A	Failure of an auctioneer to establish or maintain an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.21 and 734.20(a)(9)	N/A	Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.15.1 and 734.20(a)(9)	N/A	Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.15.1 and 734.20(a)(9)	N/A	Failure of an auctioneer to keep contracts on file in the office of the auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.16(b) and 734.20(a)(9)	N/A	Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by BEI inspectors or investigators.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

<i>Violation Under 63 P.S.</i>	<i>Violations Under Title 49 Chapter 1</i>	<i>Description of Violation</i>	<i>Penalties</i>
Sections 734.18(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to display auctioneer license in the auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
Sections 734.18(b) and 734.20(a)(9)	N/A	Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
Section 734.20(a)(10)	§ 131(c) and (d)	Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Section 734.20(a)(10)	§ 1.31(c) and (e)	Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

**§ 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.**

**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

<i>Violation Under 63 P.S.</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 150(a)	Offering to practice engineering, land surveying or geology in this Commonwealth by representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, as construed by 63 P.S. § 150(b), without being licensed or registered	1st offense—\$1,000 2nd offense—formal action
Section 151.5(b) and (c)	Failure to complete the required amount of continuing education	First offense—\$50 per hour of deficiency, not to exceed \$1,000 Subsequent offense—formal action

<i>Violation Under 49 Pa. Code Chapter 37</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 37.111(f)	Failure to respond to continuing education audit request within 30 days or other time period in audit request	First offense—\$100 Second offense—\$250 Third offense—\$500 Subsequent offense—formal action
Section 37.18(3)	Practicing engineering, land surveying or geology in this Commonwealth after license and registration have lapsed (while in compliance with continuing education requirements)	One renewal cycle or less—\$50 per month lapsed, not to exceed \$1,000 More than one renewal cycle—formal action

**§ 43b.14a. Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants.**

**STATE BOARD OF DENTISTRY**

<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Civil penalty</i>
§ 33.105(c)	Practicing on a lapsed license/certificate	1st offense— Dentists—\$100/month Dental hygienists—\$50/month Expanded function dental assistants—\$25/month 2nd offense—formal action

[Pa.B. Doc. No. 20-321. Filed for public inspection March 6, 2020, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF OSTEOPATHIC MEDICINE

[ 49 PA. CODE CH. 25 ]

### Fees

The State Board of Osteopathic Medicine (Board) proposes to amend § 25.231 (relating to schedule of fees) and delete § 25.503 (relating to fees) to read as set forth in Annex A.

This proposed rulemaking would increase application fees to reflect updated costs of processing applications and increase all the Board's biennial renewal fees to ensure its revenue meets or exceeds the Board's current and projected expenses. The Board proposes graduated fee increases for the following applications: osteopathic physicians, short-term camp osteopathic physicians, temporary training licenses or graduate training certificates, physician assistants, supervising osteopathic physicians, acupuncturists and physician acupuncturist, respiratory therapists, athletic trainers, perfusionists, reactivation of perfusionist licenses, temporary graduate perfusionist licenses, temporary provisional perfusionist licenses, genetic counselors, genetic counselor reactivations and temporary provisional genetic counselors. Approximately 2,603 applicants will be impacted annually by the increased application fees.

The Board also proposes graduated biennial renewal fee increases for the following licenses, certificates and registrations: osteopathic physicians, physician assistants, acupuncturists, respiratory therapists, athletic trainers, perfusionists and genetic counselors. There are approximately 12,032 individuals who possess current licenses, certificates and registrations issued by the Board who will be required to pay more to renew their licenses, certifications or registrations.

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The initial increase for application fees will be implemented immediately upon publication. Thereafter, the subsequent graduated increases for application fees will be implemented on a 2-fiscal-year basis on July 1, 2022, and July 1, 2024.

The increased biennial renewal fees will be implemented beginning with the November 1, 2020–October 31, 2022, biennial renewal period for osteopathic physicians, physician assistants and acupuncturists. Thereafter, the subsequent graduated increases for osteopathic physicians, physician assistants and acupuncturists will be implemented with the biennial renewal for November 1, 2022–October 31, 2024, and for November 1, 2024–October 31, 2026.

For respiratory therapists, athletic trainers, perfusionists and genetic counselors, the increased biennial renewal fees will be implemented beginning with the January 1, 2021–December 31, 2022, biennial renewal. Thereafter, the subsequent graduated increases for respiratory therapists, athletic trainers, perfusionists and genetic counselors will be implemented with the biennial renewal for January 1, 2023–December 31, 2024, and for January 1, 2025–December 31, 2026.

#### *Statutory Authority*

Section 13.1(a) of the Osteopathic Medical Practice Act (act) (63 P.S. § 271.13a(a)) provides that “[i]f the revenues raised by fees, fines and civil penalties imposed under this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Under the act, all “fees, fines and penalties imposed. . . shall be for the exclusive use by the board in carrying out the provisions of this act and shall be annually appropriated for that purpose.” 63 P.S. § 271.13a(c). Thus, unlike most other professional licensure boards that can rely upon revenue from the Professional Licensure Augmentation Account (see 63 P.S. § 1401-301), the Board is fiscally independent.

#### *Background and Purpose*

Under section 13.1(a) of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties.

The Board last increased its biennial renewal fees in July of 2002 when it increased the biennial fee for osteopathic physicians from \$140 to \$440. In March of 2010, after reassessing the impact of the mandates under the Medical Care Availability and Reduction of Error Act (MCARE Act) (40 P.S. §§ 1303.101–1303.910), the Board decreased the biennial renewal fee for osteopathic physicians to the current fee of \$220. Other amendments to the biennial fee schedule include the addition of a \$50 biennial fee for perfusionists in Fiscal Year (FY) 2012-2013 and a \$75 biennial fee for genetic counselors in FY 2014-2015.

During the Board's August 2016 Board meeting, the Department of State's Bureau of Finance and Operations (BFO) presented its annual report of the Board's income and expenses. Based upon data presented, the BFO recommended that the Board consider an increase in biennial renewal fees.

In determining appropriate fee increases, the Board considered the breakdown of sources for revenue. For example, during the FY 2016-2017 and 2017-2018 biennial period, 86.2% of revenue was received from renewals, 9.7% of revenue was received from applications and 4.1% was received from miscellaneous charges such as letters of good standing and civil penalties. While application fees only make up less than 10% of the Board's revenue, the Board, with the encouragement and support of the Bureau of Professional and Occupational Affairs (Bureau), determined that a re-evaluation of all application fees was appropriate, especially given that the Board has not updated its application fees since January of 2000.

The Board reviewed the fees charged for applications and determined that the current application fees did not accurately reflect the actual cost of processing applications. Accordingly, the Board decided to increase application fees to more accurately reflect the cost of processing applications. Increasing application fees, however, does not produce sufficient revenue to meet or exceed the Board's projected expenditures.

On May 8, 2018, the Board released an exposure draft of a proposed annex reflecting proposed increases for application and biennial renewal fees and invited stakeholders to submit comments. As a result of the Board's exposure draft, two comments were received from stakeholders. Both stakeholders asked about the underlying rationale for the increases. As previously discussed, the Board is required to increase fees if projected revenues do not meet or exceed projected expenditures. Of concern to one stakeholder was the increased fee for physician graduate training certificates. Training certificate fees, like all other application fees, have been established and proposed by the Board to cover the cost of processing applications and not to raise revenue to support Board operations generally. Additionally, the Board's proposed training certificate fee is comparable to other states in the Northeast Region. The proposed fee in 2020 (\$115) is in line with current fees charged by West Virginia (\$100), Massachusetts (\$100), New York (\$105) and Ohio (\$130). Maine (\$200) and Maryland (\$300) are significantly higher while Delaware (\$65), Rhode Island (\$65) and Vermont (\$65) charge less than \$100. One of the stakeholders also suggested staggering the fee schedule over several years. As discussed as follows, the Board has adopted such an approach with the graduated fee increases for both application and biennial renewal fees.

In February and August of 2019, representatives from the BFO presented updated summaries of the Board's revenue and expenses for FYs 2016-2017 and 2017-2018 and the projected revenue and expenses through FY 2027-2028. During FYs 2016-2017 through 2017-2018 the Board received biennial revenue of \$2,128,270.14 and incurred expenses of \$3,221,243.36 and ended with a remaining balance of \$1,712,593.53. For FYs 2018-2019 and 2019-2020, the Board projects receiving biennial revenue of \$2,228,122.60 and projects incurring expenses of \$3.95 million. At the end of FY 2019-2020, the BFO projects a deficit balance of \$4,238.87. The BFO's data demonstrates that the Board will not be able to meet expenditures over a 2-year period in FY 2019-2020 and thereafter. Therefore, in addition to increased application fees, the BFO recommended an increase in biennial renewal fees beginning in FY 2020-2021.

As a part of the BFO's fee increase recommendations, the BFO recommended graduated application and biennial renewal fee increases so that the application fee increases are reflective of actual costs to process applications in each biennium and biennial renewal fees coincide more closely with the projected expenses for each biennium. Based upon the financial information presented to the Board on August 14, 2019, and December 11, 2019, the Board adopted graduated fee increases for applications and biennial renewals.

*Description of Proposed Amendments*

The Board proposes to amend § 25.231 to set forth graduated fee schedules for application fees and biennial renewal fees. In doing so, the Board is deleting the existing fee schedule and adding a new schedule, organized by profession. New subsection (a) lists the graduated schedule of fees for applications for licensure, certification, registration and services, with corresponding fees and effective dates. Fees not associated with a profession are set forth under a miscellaneous fee category. In this proposed rulemaking, to clarify that the acupuncture fee applies to both non-physician and physician applicants, the Board includes a physician acupuncturist fee in the acupuncturist category. For genetic counselors, the Board did not include in the proposed fee schedule the applica-

tion fee for a noncertified person because applicants were required to submit this type of application by February 20, 2015, in accordance with § 25.904(b)(1) (relating to application for genetic counselor license by noncertified persons). The Board also proposes to add subsection (b), which lists the schedule of fees and corresponding effective dates for biennial renewal. For consistency and clarity, the Board proposes to include the respiratory therapist fees in the fee schedule at § 25.231(a) and (b) and proposes to delete § 25.503.

Under § 25.231(a), application fees would increase on a graduated level for the licenses, registrations and certifications for osteopathic physicians, short-term camp osteopathic physicians, temporary training licenses or graduate training certificates, physician assistants, supervising osteopathic physicians, acupuncturists and physician acupuncturist, respiratory therapists, athletic trainers, perfusionists, reactivation of perfusionist licenses, temporary graduate perfusionist licenses, temporary provisional perfusionist licenses, genetic counselors, genetic counselor reactivation and temporary provisional genetic counselors.

The proposed application fees increase on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \qquad \qquad \qquad \times \\ & \text{pay rate for the classification of the personnel} \\ & \qquad \qquad \qquad \text{performing the function} \\ & \qquad \qquad \qquad + \\ & \text{a proportionate share of administrative overhead} \end{aligned}$$

Application fees for FY 2020-2021 are based on time study reports created within the Bureau giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for one year (times two since the increases are biennial). Increases which will be effective July 1, 2022, and July 1, 2024, are calculated at a 9.5% increase as pay increases for staff that process applications are 2.5% in July and 2.25% in January or 4.75% annually (9.5% biennially) and the fee is almost entirely dependent upon personnel-related costs.

The proposed biennial renewal fees would also increase on a graduated basis for osteopathic physicians, physician assistants, acupuncturists, respiratory therapists, athletic trainers, perfusionists and genetic counselors. The graduated biennial renewal fee schedule is set forth under § 25.231(b), which lists all renewal fees and corresponding effective dates.

The new fee structure is projected to produce biennial revenues of: \$3.997 million in FYs 2020-2021 through 2021-2022, which will allow the Board to meet or exceed its projected expenditures of \$3.934 million; \$4.749 million in FYs 2022-2023 through 2023-2024, which will allow the Board to meet or exceed its projected expenditures of \$4.024 million; and \$5.355 million in FYs 2024-2025 through 2025-2026, which will allow the Board to meet or exceed its projected expenditures of \$4.102 million.

*Proposed Application Fees*

As set forth in § 25.231(a), the proposed graduated increases will impact applicants as follows:

*Osteopathic Physicians*

The Board receives approximately 1,200 osteopathic physician applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$45 to \$170) will generate an additional \$150,000 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$150,000 in application fees.
- FY 22-23: The fee increase (\$170 to \$185) will generate an additional \$18,000 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$18,000 in application fees.
- FY 24-25: The fee increase (\$185 to \$205) will generate an additional \$24,000 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$24,000 in application fees.

*Short-term Camp Physicians*

The Board receives approximately 60 short-term camp physician applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$100) will generate an additional \$4,200 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$4,200 in application fees.
- FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$600 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$600 in application fees.
- FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$600 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$600 in application fees.

*Temporary Training License or Graduate Training Certificate*

The Board receives approximately 600 temporary training license or graduate training certificates per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$115) will generate an additional \$51,000 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$51,000 in application fees.
- FY 22-23: The fee increase (\$115 to \$125) will generate an additional \$6,000 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$6,000 in application fees.
- FY 24-25: The fee increase (\$125 to \$140) will generate an additional \$9,000 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$9,000 in application fees.

*Physician Assistants*

The Board receives approximately 500 physician assistant applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$115) will generate an additional \$42,500 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$42,500 in application fees.
- FY 22-23: The fee increase (\$115 to \$125) will generate an additional \$5,000 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$5,000 in application fees.

FY 24-25: The fee increase (\$125 to \$140) will generate an additional \$7,500 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$7,500 in application fees.

*Supervising Physicians*

The Board receives approximately 51 supervising physician applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$95 to \$145) will generate an additional \$2,550 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$2,550 in application fees.
- FY 22-23: The fee increase (\$145 to \$160) will generate an additional \$765 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$765 in application fees.
- FY 24-25: The fee increase (\$160 to \$175) will generate an additional \$765 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$765 in application fees.

*Acupuncturists and Physician Acupuncturists*

The Board receives approximately 13 acupuncturists and physician acupuncturist applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$100) will generate an additional \$910 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$910 in application fees.
- FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$130 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$130 in application fees.
- FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$130 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$130 in application fees.

*Respiratory Therapists*

The Board receives approximately 50 respiratory therapist applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$100) will generate an additional \$3,500 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$3,500 in application fees.
- FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$500 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$500 in application fees.
- FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$500 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$500 in application fees.

*Athletic Trainers*

The Board receives approximately 80 athletic trainer applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$20 to \$100) will generate an additional \$6,400 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$6,400 in application fees.



FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$800 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$800 in application fees.

FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$800 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$800 in application fees.

*Perfusionists*

The Board receives approximately ten perfusionist applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$120) will generate an additional \$700 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$700 in application fees.

FY 22-23: The fee increase (\$120 to \$130) will generate an additional \$100 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$100 in application fees.

FY 24-25: The fee increase (\$130 to \$145) will generate an additional \$150 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$150 in application fees.

The Board receives approximately five perfusionist reactivation applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$105) will generate an additional \$275 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$275 in application fees.

FY 22-23: The fee increase (\$105 to \$115) will generate an additional \$50 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$50 in application fees.

FY 24-25: The fee increase (\$115 to \$125) will generate an additional \$50 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$50 in application fees.

The Board receives approximately one temporary graduate perfusionist application per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$120) will generate an additional \$70 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$70 in application fees.

FY 22-23: The fee increase (\$120 to \$130) will generate an additional \$10 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$10 in application fees.

FY 24-25: The fee increase (\$130 to \$145) will generate an additional \$15 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$15 in application fees.

The Board receives approximately three temporary provisional perfusionist applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$40 to \$80) will generate an additional \$120 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$120 in application fees.

FY 22-23: The fee increase (\$80 to \$88) will generate an additional \$24 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$24 in application fees.

FY 24-25: The fee increase (\$88 to \$95) will generate an additional \$21 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$21 in application fees.

*Genetic Counselors*

The Board receives approximately ten genetic counselor applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$120) will generate an additional \$700 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$700 in application fees.

FY 22-23: The fee increase (\$120 to \$130) will generate an additional \$100 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$100 in application fees.

FY 24-25: The fee increase (\$130 to \$145) will generate an additional \$150 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$150 in application fees.

The Board receives approximately five genetic counselor reactivation applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$105) will generate an additional \$275 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$275 in application fees.

FY 22-23: The fee increase (\$105 to \$115) will generate an additional \$50 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$50 in application fees.

FY 24-25: The fee increase (\$115 to \$125) will generate an additional \$50 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$50 in application fees.

The Board receives approximately 15 temporary provisional genetic counselor applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$90) will generate an additional \$600 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$600 in application fees.

FY 22-23: The fee increase (\$90 to \$100) will generate an additional \$150 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$150 in application fees.

FY 24-25: The fee increase (\$100 to \$105) will generate an additional \$75 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$75 in application fees.

*Total Economic Impact to Applicants*

Based upon the previously listed application fee increases, the total economic impact per fiscal year would be as follows:

FY 20-21:	\$263,800
FY 21-22:	\$263,800
FY 22-23:	\$32,279
FY 23-24:	\$32,279
FY 24-25:	\$43,806
FY 25-26:	\$43,806
Total:	\$679,770

*Proposed Biennial Renewal Fees*

As set forth as follows and in § 25.231(b), the proposed graduated increases will impact licensees, registrants and certificate holders as follows:

*Osteopathic Physicians*

There are approximately 8,694 osteopathic physicians who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$220 to \$350) will generate an additional \$1,130,220 in revenue.  
 FY 22-23: The fee increase (\$350 to \$425) will generate an additional \$652,050 in revenue.  
 FY 24-25: The fee increase (\$425 to \$475) will generate an additional \$434,700 in revenue.

*Physician Assistants*

There are approximately 2,286 physician assistants who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$10 to \$40) will generate an additional \$68,580 in revenue.  
 FY 22-23: The fee increase (\$40 to \$75) will generate an additional \$80,010 in revenue.  
 FY 24-25: The fee increase (\$75 to \$80) will generate an additional \$11,430 in revenue.

*Acupuncturists and Physician Acupuncturists*

There are approximately 154 acupuncturists and physician acupuncturists who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$25 to \$40) will generate an additional \$2,310 in revenue.  
 FY 22-23: The fee increase (\$40 to \$75) will generate an additional \$5,390 in revenue.  
 FY 24-25: The fee increase (\$75 to \$80) will generate an additional \$770 in revenue.

*Respiratory Therapists*

There are approximately 549 respiratory therapists who will be impacted by the proposed biennial renewal fee increase. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$25 to \$40) will generate an additional \$8,235 in revenue.  
 FY 22-23: The fee increase (\$40 to \$55) will generate an additional \$8,235 in revenue.  
 FY 24-25: The fee increase (\$55 to \$60) will generate an additional \$2,745 in revenue.

*Athletic Trainers*

There are approximately 296 athletic trainers who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$37 to \$50) will generate an additional \$3,848 in revenue.  
 FY 22-23: The fee increase (\$50 to \$70) will generate an additional \$5,920 in revenue.  
 FY 24-25: The fee increase (\$70 to \$75) will generate an additional \$1,480 in revenue.

*Perfusionists*

There are approximately 34 perfusionists who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$50 to \$75) will generate an additional \$850 in revenue.  
 FY 22-23: The fee increase (\$75 to \$80) will generate an additional \$170 in revenue.  
 FY 24-25: The fee increase (\$80 to \$85) will generate an additional \$170 in revenue.

*Genetic Counselors*

There are approximately 19 genetic counselors who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$75 to \$125) will generate an additional \$950 in revenue.  
 FY 22-23: The fee increase (\$125 to \$155) will generate an additional \$570 in revenue.  
 FY 24-25: The fee increase (\$155 to \$160) will generate an additional \$190 in revenue.

*Total Economic Impact to Licensees*

Based upon the previously listed biennial renewal fee increases, the economic impact would be as follows:

FY 20-21:	\$1,214,993
FY 22-23:	\$752,345
FY 24-25:	\$451,485
Total:	\$2,418,823

*Fiscal Impact and Paperwork Requirements*

The proposed amendments would increase application and biennial renewal fees. All applicants, licensees, registrants and certificate holders will be required to comply with the regulation. The fees may be paid by applicants, licensees, registrants or certificate holders or may be paid by their employers, should their employers choose to pay these fees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 2,603 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 1,200 osteopathic physicians; 600 temporary or graduate trainees; 60 short-term camp physicians; 500 physician assistants; 51 supervising physicians; 13 acupuncturists and physician acupuncturists; 10 perfusionists; 5 perfusionists seeking reactivation; 1 temporary graduate perfusionist; 3 temporary provisional perfusionist; 80 athletic trainers; 50 respiratory therapists; 10 genetic counselors; 5 genetic counselors seeking reactivation; and 15 temporary provisional genetic counselors.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 20-21:	\$263,800
FY 21-22:	\$263,800
FY 22-23:	\$32,279
FY 23-24:	\$32,279
FY 24-25:	\$43,806
FY 25-26:	\$43,806
Total:	\$679,770

There are approximately 12,032 individuals who possess current licenses, registrations and certificates issued by the Board who will be required to pay more to renew their licenses, registrations and certificates. Specifically, the number individuals affected are as follows: 8,694 osteopathic physicians, 2,286 physician assistants, 154 acupuncturists, 34 perfusionists, 296 athletic trainers, 549 respiratory therapists and 19 genetic counselors.

Based upon the previously listed biennial renewal fee increases, the economic impact is as follows:

FY 20-21:	\$1,214,993
FY 22-23:	\$752,345
FY 24-25:	\$451,485
<hr/>	
Total:	\$2,418,823

Thus, the total economic impact to applicants, licensees, registrants, certificate holders or employers, if employers choose to pay application or licensing fees, is \$3,098,593. This amount reflects the economic impact that will occur between FYs 2020-2021 and 2025-2026. This proposed rulemaking will require the Board to revise its printed and online application forms. The proposed amendments will not create additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board’s financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Regulatory Counsel for the Department of State, State Board of Osteopathic Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference (16A-5334) Fees when submitting comments.

RANDY G. LITMAN, DO,  
*Chairperson*

**Fiscal Note:** 16A-5334. 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 25. STATE BOARD OF OSTEOPATHIC MEDICINE**  
**Subchapter F. FEES**

§ 25.231. Schedule of fees.

[ An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

Application for unrestricted license to practice as osteopathic physician—original, reciprocal, boundary or by endorsement.....	\$45
Application for short-term camp license as osteopathic physician.....	\$30
Temporary training license or graduate training certificate.....	\$30
Annual renewal of temporary training license or graduate training certificate.....	\$25
Application for physician assistant license.....	\$30
Application for supervising physician.....	\$95
Uncertified verification of any license, certification or permit.....	\$15
Certification of any licenses, certifications, examination grades or hours.....	\$25
Application for athletic trainer license.....	\$20
Biennial renewal—athletic trainer.....	\$37
Biennial renewal—physicians.....	\$220
Biennial renewal—physician assistants.....	\$10
Penalty for late biennial renewal—per month or part of month.....	\$5

Duplicate license or certificate .....	\$5
Application for radiology examinations .....	\$25
Application for acupuncturist registration .....	\$30
Biennial renewal—acupuncturists .....	\$25
Application for acupuncturist supervisor registration .....	\$30
Application for perfusionist license .....	\$50
Biennial renewal of perfusionist license.....	\$50
Application for reactivation of perfusionist license .....	\$50
Application for temporary graduate perfusionist license .....	\$50
Application for temporary provisional perfusionist license .....	\$40
Application for genetic counselor license .....	\$50
Application for noncertified genetic counselor license.....	\$100
Application for reactivation of genetic counselor license .....	\$50
Application for temporary provisional genetic counselor license .....	\$50
Biennial renewal—genetic counselors .....	\$75 ]

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application: (Editor’s Note: The blank in the first column of effective dates refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin).

	<u>Effective</u>	<u>Effective</u> <u>July 1, 2022</u>	<u>Effective</u> <u>July 1, 2024</u>
<b><u>(1) Osteopathic Physician</u></b>			
<u>Application for unrestricted license to practice as an osteopathic physician—original, reciprocal, boundary or by endorsement</u>	<u>\$170</u>	<u>\$185</u>	<u>\$205</u>
<u>Application for short-term camp license as an osteopathic physician</u>	<u>\$100</u>	<u>\$110</u>	<u>\$120</u>
<u>Temporary training license or graduate training certificate</u>	<u>\$115</u>	<u>\$125</u>	<u>\$140</u>
<u>Annual renewal of temporary training license or graduate training certificate</u>	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>
<b><u>(2) Physician Assistant</u></b>			
<u>Application for physician assistant license</u>	<u>\$115</u>	<u>\$125</u>	<u>\$140</u>
<u>Application for supervising physician</u>	<u>\$145</u>	<u>\$160</u>	<u>\$175</u>
<b><u>(3) Acupuncturist</u></b>			
<u>Application for acupuncturist registration</u>	<u>\$100</u>	<u>\$110</u>	<u>\$120</u>
<u>Application for physician acupuncturist</u>	<u>\$100</u>	<u>\$110</u>	<u>\$120</u>
<u>Application for supervisor acupuncturist registration</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>
<b><u>(4) Respiratory Therapist</u></b>			
<u>Temporary permit</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>
<u>Initial license application</u>	<u>\$100</u>	<u>\$110</u>	<u>\$120</u>
<u>Licensure examination</u>	<u>\$100</u>	<u>\$100</u>	<u>\$100</u>

	<u>Effective</u>	<u>Effective July 1, 2022</u>	<u>Effective July 1, 2024</u>
<u>(5) Athletic Trainer</u>	<u>Reexamination</u>	<u>\$60</u>	<u>\$60</u>
	<u>Application for license</u>	<u>\$100</u>	<u>\$120</u>
<u>(6) Perfusionist</u>	<u>Application for perfusionist license</u>	<u>\$120</u>	<u>\$145</u>
	<u>Application for reactivation of license</u>	<u>\$105</u>	<u>\$125</u>
	<u>Application for temporary graduate license</u>	<u>\$120</u>	<u>\$145</u>
	<u>Application for temporary provisional license</u>	<u>\$80</u>	<u>\$95</u>
<u>(7) Genetic Counselor</u>	<u>Application for license</u>	<u>\$120</u>	<u>\$145</u>
	<u>Application for reactivation of license</u>	<u>\$105</u>	<u>\$125</u>
	<u>Application for temporary provisional license</u>	<u>\$90</u>	<u>\$105</u>
<u>(8) Miscellaneous</u>	<u>Penalty for late biennial renewal—per month or part of month</u>	<u>\$5</u>	<u>\$5</u>
	<u>Uncertified verification of any license, certification or permit</u>	<u>\$15</u>	<u>\$15</u>
	<u>Certification of any licenses, certifications, examination grades or hours</u>	<u>\$25</u>	<u>\$25</u>
	<u>Duplicate license or certificate</u>	<u>\$5</u>	<u>\$5</u>
	<u>Application for radiology examinations</u>	<u>\$25</u>	<u>\$25</u>

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

	<u>November 1, 2020—October 31, 2022 Biennial Renewal Fee</u>	<u>November 1, 2022—October 31, 2024 Biennial Renewal Fee</u>	<u>November 1, 2024—October 31, 2026 Biennial Renewal Fee and thereafter</u>
<u>(1) Osteopathic Physician</u>	<u>Biennial renewal</u>	<u>\$350</u>	<u>\$475</u>
<u>(2) Physician Assistant</u>	<u>Biennial renewal</u>	<u>\$40</u>	<u>\$80</u>
<u>(3) Acupuncturist</u>	<u>Biennial renewal</u>	<u>\$40</u>	<u>\$80</u>
	<u>Biennial renewal— physician acupuncturist</u>	<u>\$40</u>	<u>\$80</u>

	<u>January 1, 2021—December 31, 2022 Biennial Renewal Fee</u>	<u>January 1, 2023—December 31, 2024 Biennial Renewal Fee</u>	<u>January 1, 2025—December 31, 2026 Biennial Renewal Fee and thereafter</u>
<u>(4) Respiratory Therapist</u>	<u>\$40</u>	<u>\$55</u>	<u>\$60</u>
<u>(5) Athletic Trainer</u>	<u>\$50</u>	<u>\$70</u>	<u>\$75</u>
<u>(6) Perfusionist</u>	<u>\$75</u>	<u>\$80</u>	<u>\$85</u>
<u>(7) Genetic Counselor</u>	<u>\$125</u>	<u>\$155</u>	<u>\$160</u>

**Subchapter K. RESPIRATORY THERAPISTS**

§ 25.503. [ Fees ] (Reserved).

[ The following is the schedule of fees charged by the Board:

- (1) Temporary permit..... \$30
- (2) Initial license application ..... \$30
- (3) Licensure examination ..... \$100
- (4) Reexamination ..... \$60
- (5) Biennial renewal of licensure .....\$25 ]

[Pa.B. Doc. No. 20-322. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 135 ]

**Lands and Buildings; State Game Lands**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 135.53 (relating to operation of mobility devices and motor vehicles on designated routes) to expand all-terrain vehicle (ATV) eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

This authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

Current regulations require that any ATV used as a mobility device must be registered with the Department of Conservation and Natural Resources. The Commission has learned that certain ATVs that are additionally defined as “neighborhood electric vehicles” and registered with the Department of Transportation cannot be dual registered with the Department of Conservation and

Natural Resources. This restriction has the unfortunate effect of excluding otherwise eligible ATVs from being utilized as mobility devices by the mere fact that the device is properly registered with another Commonwealth agency. The Commission is proposing to amend § 135.53 to expand ATV eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the Commission shall promulgate regulations..for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.53 are proposed under this authority.

*2. Regulatory Requirements*

This proposed rulemaking will amend § 135.53 to expand ATV eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

*3. Persons Affected*

Persons wishing to operate an ATV registered with the Department of Transportation as neighborhood electric vehicle and properly displaying a valid registration plate and the required “25 MPH Vehicle” decal on lands designated as State game lands may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-453. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter C. STATE GAME LANDS**

**§ 135.53. Operation of mobility devices and motor vehicles on designated routes.**

Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may operate mobility devices and motor vehicles on designated routes subject to all of the following conditions:

\* \* \* \*

(3) *ATVs and snowmobiles as mobility devices.* An ATV or snowmobile used as a mobility device on a designated route must be registered with [ the ] either:

(i) **The Department of Conservation and Natural Resources and display the valid registration plate or registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV)[ . ]; or**

**(ii) The Department of Transportation as a neighborhood electric vehicle and display the valid registration plate and "25 MPH Vehicle" decal as required under 75 Pa.C.S. §§ 3592 and 3594 (relating to required equipment; and same treatment as passenger cars). Vehicles registered with the Department of Transportation as neighborhood electric vehicles or NEVs.**

(4) *Spark arrestors required.* Mobility devices powered by an internal combustion engine must be equipped with a fully functional spark arrestor while operating on a designated route.

\* \* \* \*

[Pa.B. Doc. No. 20-323. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 139 ]**

**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to

provide updated seasons and bag limits for the 2020-2021 hunting/furtaking license year.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2020-2021 license year. The 2020-2021 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

For small game, earlier opening dates are proposed for youth and regular squirrel seasons to increase opportunity on this underutilized species at a time when most other hunting seasons are closed. Also, Wildlife Management Units (WMU) 4E and 5A are proposed to be opened to either-sex pheasant hunting (except within Wild Pheasant Recovery Areas) to maximize hunting opportunity for stocked pheasants.

A 1-week decrease in the fall turkey season is recommended for WMUs 4D and 4E in response to declining turkey population trends in these units. Also, for those WMUs where turkey populations can support a Thanksgiving season, this season is proposed to be increased from 2 to 3 days, in a Wednesday through Friday format.

For deer, a 14-day concurrent antlered and antlerless firearms season is recommended to provide increased opportunity, especially for younger hunters. As now authorized by statute, Sunday hunting for deer is proposed for one Sunday (November 15) during the Statewide archery season and one Sunday (November 29) during the Statewide firearms season.

Overall black bear season recommendations are similar to those in 2019, but with two expansions. First, the 3-week Statewide archery season is proposed to be expanded to include the prior week to include the overlap with muzzleloader and special firearms seasons to simplify regulations. Second, the Statewide firearms season is proposed to include the newly authorized third Sunday (November 22), but to close on Tuesday rather than Wednesday to accommodate a 1-day expansion in the Thanksgiving segment of the fall turkey season.

Expansions of bobcat hunting and trapping opportunity to WMU 2B, and of river otter trapping opportunity to WMUs 1A, 1B and 2F, are recommended in light of population indices in these units that are comparable to those in other WMUs where harvest is occurring sustainably. For beaver, an increase in the season bag limit from 40 to 60 is recommended for WMUs 1A and 1B in response to increasing nuisance complaints in these units.

No elk have ever been harvested in the extended elk season during the 9 years in which it has been in existence. To simplify regulations, elimination of this season is recommended for 2020.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking . . .” The amendments to § 139.4 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2020-2021 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2020-2021 hunting/

furtaking license year will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The effective dates of this proposed rulemaking are July 1, 2020, to June 30, 2021.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-446. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

*(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-13, serial pages (396521)—(396531), with the following table.)*

**§ 139.4. Seasons and bag limits for the license year.**

**2020-2021 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species) <sup>1</sup> Eligible Junior Hunters only, with or without the required junior license	Sept. 12		Sept. 26	6	18
Squirrel—(Combined species) <sup>1</sup>	Sept. 12 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	6	18
Ruffed Grouse <sup>1</sup>	Oct. 17 Dec. 14	and	Nov. 27 Dec. 24	2	6
Rabbit, Cottontail— <sup>1</sup> Eligible Junior Hunters only, with or without the required junior license	Oct. 3		Oct. 17	4	12
Rabbit, Cottontail <sup>1</sup>	Oct. 17 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	4	12
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					



<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Ring-necked Pheasant—Male or Female <sup>1</sup> Eligible Junior Hunters only, with or without the required junior license	Oct. 10		Oct. 17	2	6
Central Susquehanna Wild Pheasant Recovery Area—Male only <sup>1</sup>	As authorized by the Executive Order				
Ring-necked Pheasant—Male or Female <sup>1</sup>	Oct. 24 Dec. 14 Dec. 26	and  and	Nov. 27 Dec. 24 Feb. 27, 2021	2	6
Bobwhite Quail <sup>1</sup>	Oct. 17 Dec. 14 Dec. 26	and  and	Nov. 27 Dec. 24 Feb. 27, 2021	8	24
Hare (Snowshoe Rabbits) or Varying Hare <sup>1</sup>	Dec. 26		Jan. 1, 2021	1	3
Woodchuck (Groundhog) <sup>1</sup>	No closed season except during the regular firearms deer season(s).			Unlimited	

**TURKEY**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female <sup>1</sup> WMU 2B (Shotgun, Bow and Arrow only)	Oct. 31	and	Nov. 20	1	1
WMU 1B	Nov. 25		Nov. 27		
WMUs 1A, 2A, 4A, 4B, 4D and 4E	Oct. 31	and	Nov. 7		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C	Oct. 31	and	Nov. 7		
WMU 2C	Nov. 25		Nov. 27		
WMU 5A	Oct. 31	and	Nov. 14		
WMU 5B	Nov. 25		Nov. 27		
WMUs 5C and 5D	Oct. 31	and	Nov. 27		
	Nov. 25		Nov. 27		
	Nov. 5		Nov. 7		
	Nov. 3		Nov. 5		
	Closed to fall turkey hunting				
Turkey, Spring <sup>2</sup> Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 24, 2021		Apr. 24, 2021	1	1
Turkey, Spring <sup>1,2</sup> Bearded Bird only	May 1, 2021	and	May 15, 2021	1	2
	May 17, 2021		May 31, 2021	May be hunted 1/2 hour before sunrise to 12 noon	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset

## MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).  
 (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.  
 (c) Hunting on Sunday not authorized.<sup>1</sup>

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Crow <sup>3</sup> (Hunting permitted on Friday, Saturday and Sunday only)	July 3		Apr. 11, 2021	Unlimited	
Starling and English Sparrow <sup>3</sup>	No closed season except during the regular firearms deer seasons.			Unlimited	

## FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species) <sup>1</sup>	Sept. 1		Mar. 31, 2021	6	18
Quail <sup>1</sup>	Sept. 1		Mar. 31, 2021	8	24
Ruffed Grouse <sup>1</sup>	Sept. 1		Mar. 31, 2021	2	6
Cottontail Rabbits <sup>1</sup>	Sept. 1		Mar. 31, 2021	4	12
Snowshoe or Varying Hare <sup>1</sup>	Sept. 1		Mar. 31, 2021	1	3
Ring-necked Pheasant—Male <sup>1</sup> and Female—(Combined)	Sept. 1		Mar. 31, 2021	2	6
Migratory Game Bird <sup>1</sup> —Seasons and bag limits shall be in accordance with Federal regulations.					

## WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered & Antlerless) <sup>1,4,5</sup> With the required archery license WMUs 2B, 5C and 5D	Sept. 19 Sun. <sup>3</sup> , Nov. 15 Nov. 16 Dec. 26	and and and	Nov. 14 Sun. <sup>3</sup> , Nov. 15 Nov. 27 Jan. 23, 2021	One antlered deer and an antlerless deer with each required and antlerless license.
Deer, Archery (Antlered & Antlerless) <sup>1,4,5</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 3 Sun. <sup>3</sup> , Nov. 15 Dec. 26	and	Nov. 14 Sun. <sup>3</sup> , Nov. 15 Jan. 18, 2021	One antlered deer and an antlerless deer with each required and antlerless license.
Deer, Muzzleloading (Antlerless only) <sup>1</sup> With the required muzzleloading license (Statewide)	Oct. 17		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, <sup>6</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or United States Coast Guard (Statewide)	Oct. 22		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Regular Firearms (Antlered and Antlerless) <sup>1,4,5</sup> (Statewide)	Nov. 28 Sun. <sup>3</sup> , Nov. 29 Nov. 30	and and	Nov. 28 Sun. <sup>3</sup> , Nov. 29 Dec. 12	One antlered deer and an antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) <sup>1,4</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 18, 2021	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>1,4</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 23, 2021	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) <sup>1</sup> Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26		Jan. 23, 2021	An antlerless deer with each required antlerless license.
Deer, Antlerless <sup>1</sup> (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Bear, Archery <sup>1,7</sup> WMUs 2B, 5C and 5D	Sept. 19		Nov. 27		1
Bear, Archery <sup>1,7</sup> WMU 5B	Oct. 3		Nov. 14		1
Bear, Archery <sup>1,7</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 17		Nov. 7		1
Bear, Muzzleloader <sup>1,7</sup> (Statewide)	Oct. 17		Oct. 24		1
Bear, Special firearms <sup>7</sup> Only Junior and Senior License Holders <sup>6</sup> , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard (Statewide)	Oct. 22		Oct. 24		1
Bear, Regular Firearms <sup>1,5,7</sup> (Statewide)	Nov. 21 Sun. <sup>3</sup> , Nov. 22 Nov. 23	and and	Nov. 21 Sun. <sup>3</sup> , Nov. 22 Nov. 24		1
Bear, Extended firearms <sup>1,7</sup> WMUs 2B, 5B, 5C and 5D	Nov. 28		Dec. 12		1
Bear, Extended firearms <sup>1,7</sup> WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 28		Dec. 5		1

**ELK**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Elk, Special Conservation Tag <sup>1,8</sup> and Special-License Tag <sup>5,6</sup> (Antlered and Antlerless)	Sept. 1		Nov. 7		1
Elk, Archery <sup>1,8</sup>	Sept. 12		Sept. 26		1
Elk, Regular <sup>8</sup> (Antlered and Antlerless)	Nov. 2		Nov. 7		1
Elk, Late <sup>1,8</sup> (Antlerless only)	Jan. 2, 2021		Jan. 9, 2021		1

## FUR TAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 21		Jan. 10, 2021	Unlimited	
Beaver	Dec. 19		Mar. 31, 2021		
WMUs 1A and 1B (Combined)				20	60
WMUs 2A, 2B and 3C (Combined)				20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 25		Feb. 21, 2021	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 21, 2021	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 19		Jan. 10, 2021	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 19		Jan. 3, 2021	1	1
River Otter, with required otter permit WMUs 1A, 1B, 2F, 3C and 3D	Feb. 13, 2021		Feb. 20, 2021	1	1

## FUR TAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season) <sup>3</sup>	May be taken with a hunting license or a furtaker's license.			Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
Opossum, Striped Skunk, Weasel <sup>1</sup>	No closed season.				
Fox <sup>3</sup>	Oct. 24		Feb. 20, 2021	Unlimited	
Raccoon <sup>1</sup>	Oct. 24		Feb. 20, 2021	Unlimited	
Bobcat, with required bobcat permit <sup>1</sup> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 9, 2021		Feb. 3, 2021	1	1
Porcupine <sup>1</sup>	Oct. 10		Jan. 30, 2021	3	10

No open seasons on other wild birds or wild mammals.

<sup>1</sup> No hunting on Sunday authorized. *See* 34 Pa.C.S. § 2303 (relating to hunting on Sunday prohibited).

<sup>2</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>3</sup> Hunting on Sunday is authorized. *See* 34 Pa.C.S. § 2303.

<sup>4</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>5</sup> Hunting on Sunday authorized on separately delineated Sunday date only. *See* 34 Pa.C.S. § 2303.

<sup>6</sup> Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>7</sup> Only one bear may be taken during the hunting license year with the required bear license.

<sup>8</sup> Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 20-324. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Small Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 141.29 (relating to hunting mourning doves over managed fields) to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

It is currently unlawful to hunt mourning doves on or over lands or areas where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed after September 15 each license year. This restriction was intended to minimize baiting conflicts for hunters pursuing species other than doves, which remains unlawful to hunt in lands or areas affected by such manipulation. For example, hunting waterfowl over a manipulated crop field remains prohibited by both State and Federal law notwithstanding the authorization for the hunting of mourning doves. However, the Commission has also observed that the September 15 cutoff date disallows a significant degree of flexibility for weather and planting related delays in the maturation and proper drying of the vegetation planting in the crop fields. This has resulted in instances of lost hunting opportunities and wasted investments in these areas prepared and intended for mourning dove hunting. The Commission is proposing to amend § 141.29 to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.29 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.29 to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

3. *Persons Affected*

Persons wishing to hunt or take mourning dove or other game or wildlife in the vicinity of a managed dove field may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-449. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.29. Hunting mourning doves over managed fields.**

(a) *Limited hunting authorized.* In accordance with the authorization in 50 CFR 20.21 (relating to what hunting methods are illegal), it is lawful to hunt mourning doves on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation. **[ This authorization does not apply to any other species of wildlife or to the hunting of mourning doves where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed after September 15 each license year. ]**

(b) *Nonapplication.* **This section shall not be construed to authorize the hunting of any other species of wildlife in an area where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed.**

(c) *Definition.* For the purposes of this section, “manipulation” means the alteration of natural vegetation or agricultural crops by activities that include mowing, shredding, discing, rolling, chopping, trampling, flattening, burning or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed or other feed after removal from or storage on the field where grown.

[Pa.B. Doc. No. 20-325. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) pro-

posed at its January 25, 2020, meeting to amend § 141.41 (relating to general) to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. *Purpose and Authority*

Outside of special regulations areas, current regulations prohibit hunters from harvesting a subsequent deer before they have lawfully tagged each successive deer they have harvested. This restriction is intended to prevent waste of this Commonwealth's wildlife resources by causing hunters to follow up on shots and promote recovery of mortally wounded deer before an attempt to harvest subsequent animals. However, this restriction has also been observed to force hunters to pass up additional harvest opportunities that occur contemporaneous to the first as they are fleeting and certainly diminish with the noise and movement associated with tagging activities for the previous harvest. Special regulations areas are currently exempt from this requirement and the Commission is not aware that any significant problems have resulted from its absence. The Commission is proposing to amend § 141.41 to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.41 are proposed under this authority.

#### 2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.41 to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

#### 3. *Persons Affected*

Persons wishing to hunt or take white-tailed deer within this Commonwealth may be affected by this proposed rulemaking.

#### 4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-450. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter C. BIG GAME

#### § 141.41. General.

It is unlawful to:

(1) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.

(2) Receive a DMAP permit without reporting in the manner prescribed on the permit.

(3) [ **Harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized, except as otherwise provided in § 141.1 (relating to special regulations areas).**

(4) ] Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while engaged in hunting or trapping activities.

[Pa.B. Doc. No. 20-326. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend §§ 141.43, 141.44 and 141.47 (relating to deer seasons; bear; and elk) to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The Commission is also proposing to amend § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2 (relating to elk hunting licenses).

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Informa-

tion and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

During the 2019 fall hunting seasons, the Commission received a significant number of inquiries from the public concerning what arms and ammunition were lawful for users during the overlap of the archery deer season and its overlap with the muzzleloader bear season. Current regulations generally prohibit the possession of firearms during the deer archery season and archery tackle is not listed as a lawful device for muzzleloader bear seasons. In an effort to clarify these issues and provide greater opportunity during these overlap seasons, the Commission is proposing to amend §§ 141.43, 141.44 and 141.47 to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The proposal also amends § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 141.43, 141.44 and 141.47 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend §§ 141.43, 141.44 and 141.47 to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The proposal will also amend § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2.

3. *Persons Affected*

Persons wishing to hunt or take white-tailed deer, bear or elk within the Commonwealth may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-454. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer seasons.

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

**(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery deer season and muzzleloader bear season if that person is in possession of both a valid archery deer license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.**

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with **[ a ] any of the following devices:**

(i) **A** flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm’s ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

**(ii) A bow and arrow as permitted under subsection (a)(1)(i).**

**(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).**

(2) *Prohibitions.* While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

- (i) Use manmade materials attached to the hammer or frizzen to create sparks.
- (ii) Use telescopic sights.
- (iii) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with [ a ] **any of the following devices:**

(i) **A muzzleloading firearm.** The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

**(ii) A bow and arrow as permitted under subsection (a)(1)(i).**

**(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).**

(2) *Prohibitions.* While hunting deer during the muzzleloading deer season, it is unlawful to:

- (i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.
- (ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

\* \* \* \* \*

§ 141.44. Bear **seasons.**

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm [ or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others) ]. **Exceptions:**

**(A) A person may possess certain firearms during the archery bear season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).**

**(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery and muzzleloader bear seasons if that person is in possession of a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.**

**(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery bear season and muzzleloader deer season if that person is in possession of both a valid bear license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.**

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with [ a ] **any of the following devices:**

(i) **A muzzleloading firearm.** The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

**(ii) A bow and arrow as permitted under subsection (a)(1)(i).**

**(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).**

(2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

\* \* \* \* \*

§ 141.47. Elk **seasons.**

**[(a) Permitted devices.** It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated, centerfire rifle or handgun. The firearm must be a .26 caliber or larger firearm that propels single-projectile ammunition 120 grains or larger.

(2) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.



(3) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555. ]

(a) *Archery elk season.*

(1) *Permitted devices.* It is lawful to hunt elk during the archery elk season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting elk during the archery elk season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery elk season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader deer season if that person is in possession of both a valid elk license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader bear season if that person is in possession of both a valid elk license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(iv) Drive or herd elk.

(v) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555.

(b) Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License with any of the following devices:

(i) A manually operated, centerfire rifle or handgun. The firearm must be a .26 caliber or larger firearm that propels single-projectile ammunition 120 grains or larger.

(ii) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

(iii) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(iv) A bow and arrow as permitted under subsection (a)(1)(i).

(v) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(iii) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(iv) Drive or herd elk.

**(v) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555.**

[Pa.B. Doc. No. 20-327. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Furbearers**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 141.62 (relating to beaver and otter trapping) to increase the number of authorized body gripping traps from 10 to 20 in any Wildlife Management Unit (WMU) where beaver bag limits are 60 per season.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

The Commission has recently observed a notable increase in beaver populations and beaver-related complaints in WMUs 1A and 1B. As a result, the Commission is seeking to increase harvest success rates in these WMUs in an effort to better control the beaver population and resulting beaver-human conflicts. The Commission has previously proposed an amendment to § 139.4 (relating to seasons and bag limits for the license year) to increase the beaver bag limit in these WMUs from 40 to 60. The Commission is also proposing to amend § 141.62 to increase the number of authorized body gripping traps to 20 in any WMU where beaver bag limits are 60 per season. Beaver trappers will still be limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any WMU with an open otter trapping season during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.62 are proposed under this authority.

*2. Regulatory Requirements*

This proposed rulemaking will amend § 141.62 to increase the number of authorized body gripping traps from 10 to 20 in any WMU where beaver bag limits are 60 per season.

*3. Persons Affected*

Persons wishing to trap or take beavers in any WMU where beaver bag limits are 60 per season may be affected by this proposed rulemaking.

*4. Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

*5. Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*6. Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-447. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter D. FURBEARERS**

**§ 141.62. Beaver and otter trapping.**

\* \* \* \* \*

(b) *Unlawful acts.* It is unlawful to:

\* \* \* \* \*

(4) Set, tend or operate any number of traps or snares for beaver trapping in excess of the limits established by this paragraph.

(i) Beaver trappers are generally limited to a combined Statewide total of 20 traps or snares, no more than 10 of which may be traps. No more than 2 of the 10 traps may be body gripping traps, except [ **in** ]:

**(A) In** Wildlife Management Units where beaver bag limits are 40 [ **or more** ] per season, [ **where** ] all 10 traps may be body gripping traps.

**(B) In Wildlife Management Units where beaver bag limits are 60 per season, all 20 traps or snares may be body gripping traps.**

(ii) Beaver trappers are limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any Wildlife Management Unit with an open otter trapping season. This limitation is inclusive of any otter traps or snares set under paragraph (7). This limitation is applicable during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season and shall extend for 5 additional consecutive days after the close of the otter season.

\* \* \* \* \*

[Pa.B. Doc. No. 20-328. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 141.4, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2020-2021 hunting/furtaking license year.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is proposing to amend § 141.4, Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2020-2021 hunting/furtaking license year.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.4, Appendix G are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2020-2021 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2020-2021 hunting/furtaking license year will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The effective dates of this proposed rulemaking are July 1, 2020, to June 30, 2021.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-448. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.4. Hunting hours.**

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

\* \* \* \* \*

**Appendix G. HUNTING HOURS**

*(Editor’s Note:* As part of this proposed rulemaking, the Commission is proposing to replace the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-39, serial pages (396539)—(396541), with the following tables.)

**HUNTING HOURS TABLE**

**FOR JUNE 28, 2020, THROUGH JULY 3, 2021**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:08	9:03
July 5—11	5:12	9:00
July 12—18	5:17	8:56
July 19—25	5:23	8:50
July 26—Aug. 1	5:30	8:44
Aug. 2—8	5:38	8:36
Aug. 9—15	5:43	8:26
Aug. 16—22	5:49	8:16
Aug. 23—29	5:56	8:06
Aug. 30—Sept. 5	6:03	7:55
Sept. 6—12	6:09	7:43
Sept. 13—19	6:16	7:32
Sept. 20—26	6:23	7:20
Sept. 27—Oct. 3	6:29	7:09
Oct. 4—10	6:36	6:58
Oct. 11—17	6:44	6:47
Oct. 18—24	6:51	6:38
Oct. 25—31	6:59	6:29
Nov. 1—7 **Ends	6:07	5:21
Nov. 8—14	6:15	5:15
Nov. 15—21	6:23	5:10
Nov. 22—28	6:31	5:07
Nov. 29—Dec. 5	6:37	5:05
Dec. 6—12	6:43	5:06

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Dec. 13—19	6:48	5:08
Dec. 20—26	6:51	5:09
Dec. 27—Jan. 2	6:52	5:17
Jan. 3—9	6:53	5:24
Jan. 10—16	6:52	5:25
Jan. 17—23	6:49	5:33
Jan. 24—30	6:45	5:41
Jan. 31—Feb. 6	6:40	5:49
Feb. 7—13	6:33	5:57
Feb. 14—20	6:24	6:06
Feb. 21—27	6:15	6:14
Feb. 28—March 6	6:06	6:22
March 7—13	5:54	7:29
March 14—20 *Begins	6:43	7:37
March 21—27	6:32	7:44
March 28—Apr. 3	6:21	7:51
April 4—10	6:09	7:58
April 11—17	5:58	8:05
April 18—24	5:48	8:12
April 25—May 1	5:38	8:19
May 2—May 8	5:29	8:27
May 9—15	5:21	8:33
May 16—22	5:14	8:40
May 23—29	5:09	8:46
May 30—June 5	5:05	8:52
June 6—12	5:02	8:57
June 13—19	5:02	9:00
June 20—26	5:04	9:03
June 27—July 3	5:07	9:03

\*Daylight Saving Time Begins

\*\*Ends

**MIGRATORY GAME BIRD HUNTING HOURS  
TABLE 2020—2021**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:08	8:33
July 5—11	5:12	8:30
July 12—18	5:17	8:26
July 19—25	5:23	8:20
July 26—Aug. 1	5:30	8:14
Aug. 2—8	5:38	8:06
Aug. 9—15	5:43	7:56
Aug. 16—22	5:49	7:46
Aug. 23—29	5:56	7:36
Aug. 30—Sept. 5	6:03	7:25
Sept. 6—12	6:09	7:13

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 13—19	6:16	7:02
Sept. 20—26	6:23	6:50
Sept. 27—Oct. 3	6:29	6:39
Oct. 4—10	6:36	6:28
Oct. 11—17	6:44	6:17
Oct. 18—24	6:51	6:08
Oct. 25—31	6:59	5:59
Nov. 1—7 **Ends	6:07	4:51
Nov. 8—14	6:15	4:45
Nov. 15—21	6:23	4:40
Nov. 22—28	6:31	4:37
Nov. 29—Dec. 5	6:37	4:35
Dec. 6—12	6:43	4:36
Dec. 13—19	6:48	4:38
Dec. 20—26	6:51	4:39
Dec. 27—Jan. 2	6:52	4:47
Jan. 3—9	6:53	4:54
Jan. 10—16	6:52	4:55
Jan. 17—23	6:49	5:03
Jan. 24—30	6:45	5:11
Jan. 31—Feb. 6	6:40	5:19
Feb. 7—13	6:33	5:27
Feb. 14—20	6:24	5:36
Feb. 21—27	6:15	5:44
Feb. 28—March 6	6:06	5:52
March 7—13	6:54	6:59
March 14—20 *Begins	6:43	7:07
March 21—27	6:32	7:14
March 28—April 3	6:21	7:21
April 4—10	6:09	7:28
April 11—17	5:58	7:35
April 18—24	5:48	7:42
April 25—May 1	5:38	7:49
May 2—8	5:29	7:57
May 9—15	5:21	8:03
May 16—22	5:14	8:10
May 23—29	5:09	8:16
May 30—June 5	5:05	8:22
June 6—12	5:02	8:27
June 13—19	5:02	8:30
June 20—26	5:04	8:33
June 27—July 3	5:07	8:33

\*Daylight Saving Time Begins

\*\*Ends

[Pa.B. Doc. No. 20-329. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 147.674 (relating to issuance of DMAP harvest permits) to increase the number of Deer Management Assistance Program (DMAP) harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

A longstanding provision of the DMAP regulations has limited individual hunters to receiving no more than two DMAP permits for each unit or area enrolled in the program. The Commission has reviewed this limitation and determined that it may be unreasonably limiting private landowners from effectively using the program to harvest enough deer on their lands to meet their deer management goals. This issue has been raised by both DMAP users and Commission staff as part of an ongoing broad review of the DMAP and Red Tag programs. However, the Commission is also equally cautious against moving too far towards privatizing access to antlerless deer harvest under the DMAP program and outside of the standard antlerless deer license allocations. Both external users and Commission staff agree that an increase in the number of DMAP permits per unit is warranted, except in certain areas designated by the Commission. The Commission is proposing to amend § 147.674 to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.674 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend § 147.674 to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

#### 3. Persons Affected

Persons wishing to hunt or take white-tailed deer within this Commonwealth may be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-451. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter R. DEER CONTROL

#### § 147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission's PALS.

(b) [ **Two** ] **Four** harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license, **except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.**

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$10 for residents and \$35 for nonresidents. A fee of \$6 will be assessed for the replacement of any DMAP harvest permit.

(d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

[Pa.B. Doc. No. 20-330. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend

§ 147.804 (relating to general) to: 1) combine the species eligibility list for mentored youth and mentored adults to one list; 2) issue all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license; 3) expand the ability to make direct application for antlerless deer licenses and Deer Management Assistance Program (DMAP) harvest permits for mentored adults and mentored youth 7 years of age or older; and 4) expand the eligibility of all mentored hunters to make direct application for migratory bird licenses and pheasant permits.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Since the mentored hunting program's initial inception in 2006, the program has gradually grown and expanded to allow the hunting of many additional species of game and wildlife. The program has also incrementally expanded eligibility standards to now allow participation by all age groups. However, with this progressive linear expansion, the mentored hunting program has built up a complex and inconsistent web of eligibility standards and limitations for each of the three program age groups. Couple this complexity with its differences to the traditional hunting license structures and this Commonwealth's sporting men and women have understandably been challenged in fully understanding and consistently operating within the program's multifaceted standards. Furthermore, the Commission recognizes that the current complexity if these regulations themselves may in fact be undermining the recruitment and retention of the participants the program was intended to improve. With this in mind, the Commission has determined that the mentored hunting program is due for a significant streamlining of its standards.

The first improvement involves combining the species eligibility list for mentored youth and mentored adults to one list. This change alone will expand species eligibility for all age groups.

The second change involves issuing all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license. This change primarily affects mentored adults and does not change standards for mentored youth who are under 7 years of age at the time of application. This change eliminates the transfer of any harvest tags to mentored adults and mentored youth 7 years of age or older.

The third change builds off of the second by expanding the ability to make direct application for antlerless deer licenses and DMAP harvest permits for mentored adults and mentored youth 7 years of age or older. The fourth change allows all mentored hunter age classes to make direct application for migratory bird licenses and pheasant permits within the eligibility standards and limitations of these programs. Each of these improvements brings a greater degree of simplicity to the mentored

hunting program and also brings it into closer alignment to the Commission's traditional hunting license structures.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.804 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend § 147.804 to: 1) combine the species eligibility list for mentored youth and mentored adults to one list; 2) issue all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license; 3) expand the ability to make direct application for antlerless deer licenses and DMAP harvest permits for mentored adults and mentored youth 7 years of age or older; and 4) expand the eligibility of all mentored hunters to make direct application for migratory bird licenses and pheasant permits.

#### 3. Persons Affected

Persons who wish to participate in the mentored hunting program will be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-452. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter X. MENTORED HUNTING PROGRAM PERMIT

#### § 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

(c) *Species limitation.* **A mentored youth's or mentored adult's hunting eligibility is restricted to the following species: rabbit, hare, ruffed grouse, mourning dove, bobwhite quail, pheasant, crow, squirrel, porcupine, woodchuck, coyote, deer and wild turkey.**

[ (1) A mentored youth's hunting eligibility is restricted to the following species: cottontail rabbit, mourning dove, squirrel, woodchuck, coyote, deer and wild turkey. Except as provided in this paragraph, mentored youth hunting permits will be issued with an antlered deer harvest tag and a spring turkey harvest tag. Harvest tags will not be issued to mentored youth applicants who are under 7 years of age at the time of application.

(2) A mentored adult's hunting eligibility is restricted to the following species: squirrel, ruffed grouse, rabbit, pheasant, bobwhite quail, hares, porcupine, woodchuck, crow, coyote, antlerless deer and wild turkey. Mentored adult hunting permits will be issued with a spring turkey harvest tag.]

(d) *Seasons and bag limits.* A mentored youth's and mentored adult's hunting eligibility is further constrained by applicable hunting seasons, daily limits, field possession limits and season limits provided in § 139.4 (relating to seasons and bag limits for the license year).

(e) *Applicability of junior seasons and antler restrictions.* A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c) and are subject to the same antler restrictions that apply to junior license holders in § 131.2 (relating to definitions).

(f) *Tagging requirements.* Mentored youth and mentored adults shall tag and report all big game harvested in the manner provided in section 2323 of the act (relating to tagging and reporting big game kills).

(g) *Transfer of an antlerless license.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act (relating to unlawful acts concerning licenses), mentors are authorized to transfer antlerless licenses issued to them to an eligible mentored youth [ **or mentored adult** ] **who was under 7 years of age at the time of application.** The antlerless license shall be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the antlerless license may not occur until after the mentored youth [ **or mentored adult** ] has harvested the antlerless deer, but before tagging the carcass. A mentored youth [ **or mentored adult** ] may receive by transfer no more than one antlerless deer license each license year. Mentored youth [ **and mentored adults** ] **who are under 7 years of age at the time of application** are ineligible to make direct application for an antlerless license.

(h) *Transfer of a fall turkey tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer fall turkey tags issued to them to an eligible mentored youth [ **or mentored**

**adult** ] **who was under 7 years of age at the time of application.** The fall turkey tag shall be valid and in the possession of the mentor at all times while hunting fall turkey. The transfer of the fall turkey tag may not occur until after the mentored youth [ **or mentored adult** ] has harvested the fall turkey, but before tagging the carcass. A mentored youth [ **or mentored adult** ] may not receive by transfer more than one fall turkey tag each license year. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.**

(i) *Transfer of a Deer Management Assistance Program harvest permit.* Notwithstanding the prohibitions in § 147.676(2) and (3) (relating to unlawful acts), mentors are authorized to transfer Deer Management Assistance Program (DMAP) harvest permits issued to them to an eligible mentored youth [ **or mentored adult** ] **who was under 7 years of age at the time of application.** The DMAP harvest permit must be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the DMAP harvest permit may not occur until after the mentored youth [ **or mentored adult** ] has harvested the antlerless deer, but before tagging the carcass. A mentored youth [ **or mentored adult** ] may not receive by transfer more than one DMAP harvest permit each license year. Mentored youth [ **and mentored adults** ] **who are under 7 years of age at the time of application** are ineligible to make direct application for a DMAP harvest permit. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.**

(j) *Transfer of an antlered deer harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer antlered deer harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The antlered deer harvest tag shall be valid and in the possession of the mentor at all times while hunting antlered deer. The transfer of the antlered deer harvest tag may not occur until after the mentored youth has harvested the antlered deer, but before tagging the carcass. A mentored youth may not receive by transfer more than one antlered deer harvest tag each license year. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.**

(k) *Transfer of a spring turkey harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer spring turkey harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The spring turkey harvest tag shall be valid and in the possession of the mentor at all times while hunting spring turkey. The transfer of the spring turkey harvest tag may not occur until after the mentored youth has harvested the spring turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one spring turkey harvest tag each license year. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored**

adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

(l) Application for and issuance of big game harvest tags. Except as provided below, mentored youth and mentored adult hunting permits will be issued with an antlered deer, fall turkey and spring turkey harvest tag. No harvest tags will be issued with a mentored youth permit where the applicant is under 7 years of age at the time of application. Mentored youth over 7 years of age at the time of application and mentored adults are additionally eligible to make application for one antlerless deer license and as many DMAP harvest permits that are within the eligibility standards and limitations of these programs.

(m) Application for and issuance of add-on licenses and permits. Mentored youth and mentored adults are exempt from requirements to obtain archery and muzzleloader add-on licenses or stamps applicable to hunting archery or muzzleloader seasons for any species listed in subsection (c). Unless otherwise exempted by existing program standards, all mentored youth and mentored adults are required to obtain migratory bird licenses and pheasant permits to participate in hunting during applicable seasons for any associated species listed in subsection (c).

[Pa.B. Doc. No. 20-331. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Guiding Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend §§ 147.901—147.905 and add § 147.904.1 (relating to records and reports of commercial guides) to: 1) restructure the application requirements for commercial and noncommercial guiding permits; 2) add a noncommercial elk guiding permit; 3) add new guide permit fee structures for commercial and noncommercial elk guiding permits; 4) add recordkeeping and reporting requirements for commercial guides; and 5) address other minor housekeeping items.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission has determined that an update and restructuring of its guiding permit regulations is needed, especially as it relates to elk guiding. The Commission is proposing to amend §§ 147.901—147.905 and add § 147.904.1 to restructure the application requirements for commercial and noncommercial guiding permits, cre-

ate a noncommercial elk guiding permit, create new guide permit fee structures for commercial and noncommercial elk guiding permits, create recordkeeping and reporting requirements for commercial guides and address other minor housekeeping items.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.901—147.905 and addition of § 147.904.1 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend §§ 147.901—147.905 and add § 147.904.1 to: 1) restructure the application requirements for commercial and noncommercial guiding permits; 2) add a noncommercial elk guiding permit; 3) add new guide permit fee structures for commercial and noncommercial elk guiding permits; 4) add recordkeeping and reporting requirements for commercial guides; and 5) address other minor housekeeping items.

#### 3. Persons Affected

Persons wishing to guide other persons engaged in hunting or trapping of certain wildlife within this Commonwealth may be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-456. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter Y. GUIDING PERMIT

#### § 147.901. Purpose and scope.

The purpose of this subchapter is to provide for the issuance of guiding permits to authorize eligible applicants to serve as guides for persons hunting, trapping or otherwise taking certain designated species of **game or** wildlife.

#### § 147.902. Definitions.

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



*Commercial guiding activity*—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

*Guide*—A person who assists another person in any manner to hunt, trap or otherwise take certain designated species of **game or** wildlife.

*Guiding activity*—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of **game or** wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize [ **the** ] **any** assistance taking the form of any overt act directly connected with harvesting **game or** wildlife by **the guide** discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

**Noncommercial guiding activity—Any guiding activity provided by any person to another person for the species Elk, where there is no fee, remuneration or economic gain to the guide including bartered goods or services.**

**§ 147.903. Application for commercial and noncommercial guiding permits.**

(a) Applications for **commercial and noncommercial** guiding permits issued under this subchapter shall be made through the [ **applicants' local district wildlife conservation officers** ] **applicable Commission regional office local to the applicant** on the appropriate form provided by the Commission.

(b) [ **Each application must** ] **Applications for commercial and noncommercial guiding permits shall** include the name, address, telephone number, **customer identification number** and date of birth of the **primary applicant and each subpermittee, if applicable**, as well as the specific eligible species of wildlife sought to be covered by the permit.

(c) Applications for **commercial and noncommercial** guiding permits will only be accepted [ **from persons who possess** ] **if the applicant and each listed subpermittee possesses** a valid hunting or furtaking license [ **or qualify for license and fee exemptions under section 2706 of the act (relating to license and fee exemptions) and have no prior record of violations of the act or this title or related license revocations within the previous 10 years** ], **whichever is applicable to the single species or multiple species designated on the permit application. Applicants for a noncommercial elk guiding permit must also possess a valid elk license.**

(d) **Applications for commercial and noncommercial guiding permits will only be accepted if the applicant and each listed subpermittee have no documented prior record of game or wildlife violations of the act or this title or related license revocations within the previous 10 years. This subsection shall not be construed to apply to the permittee listed on the application for a noncommercial elk guiding permit, but this provision remains effective for each subpermittee listed the permittee's application.**

(e) The fee for a **commercial or noncommercial** guiding permit will be:

**(1) Except as provided in paragraphs (2) and (3) for elk guiding permits, \$25 for residents and \$50 for nonresidents for each respective eligible species of wildlife to be covered by the permit.**

**(2) \$500 for residents and nonresidents for commercial elk guiding permits. This fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$50 per additional subpermittee.**

**(3) No cost for a noncommercial elk guiding permits. This no cost fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$25 per additional subpermittee.**

**§ 147.904. Permit.**

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any commercial or noncommercial guiding activity **anywhere within this Commonwealth** for the following designated species of wildlife: elk and bobcat. A guiding permit is **also** required for any person to engage in any commercial guiding activity for coyotes on **any lands designated as** State game lands.

(b) *Additional permits.* Possession of a **commercial or noncommercial** guiding permit issued under this subchapter does not diminish an individual's obligation to obtain any other applicable Federal, State or local permits concerning the guiding activities.

(c) *Guiding on State game lands.* Notwithstanding the general prohibitions of § 135.41 (relating to state game lands), a **commercial** guiding permit issued [ **pursuant to** ] **under** this subchapter [ **shall authorize** ] **authorizes** its holder to engage in commercial guiding activities on **lands designated as** State game lands for [ **an eligible** ] **each** species of **game** wildlife **designated on the commercial guiding permit. This subsection shall not be construed to require a commercial or noncommercial guiding permit for noncommercial guiding activities occurring on lands designated as State game lands.**

(d) [ *Orientation.* In any year the Commission establishes an orientation program for an eligible species of wildlife, the continuing validity of any guiding permit issued under this subchapter covering the eligible species, is premised upon the permit holder's completion of the orientation program prior to engaging in any guiding activities for the eligible species of wildlife. ] **Licenses, permits and stamps required.** A **commercial or noncommercial guide shall maintain valid licenses, permits and stamps applicable to each species for which they are conducting commercial or noncommercial guiding activities, excepting only elk licenses, if applicable. A guide shall carry these licenses, permits and stamps required by this subsection on their person while engaged any commercial or noncommercial guiding activities and shall produce same, upon demand, to any officer whose duty it is to enforce the title.**

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

**§ 147.904.1. Records and reports of commercial guides.**

(a) *Records.* A commercial guide shall maintain legible, accurate and complete field records of all commercial guiding activities conducted under the authority of a commercial guiding permit on a form supplied by the Commission. These field records shall be maintained and made available for inspection in accordance with section 2906 of the act (relating to records). A commercial guide shall complete the field records form according to the instructions on the form and must contain the following information for each commercial guiding activity:

(1) Name, address and customer identification number for each client.

(2) Date of guided activity.

(3) Quantity and species of game or wildlife harvested by each client.

(4) Name and guide permit number of any accompanying guide permit holder for each guided activity.

(b) *Reports.* All field records shall be submitted to the Commission annually in accordance with section 2907 of the act (relating to reports).

**§ 147.905. Violations.**

**Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations).** The Director may deny, revoke or suspend any permit for any violation of **the act or this subchapter by the permittee or any subpermittee,** upon written notice to the permittee.

[Pa.B. Doc. No. 20-332. Filed for public inspection March 6, 2020, 9:00 a.m.]

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# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Adjudicatory Hearing and Additional Written Comment Period

The Delaware River Basin Commission (Commission) will hold an adjudicatory hearing (a trial-like proceeding) beginning on April 15, 2020, on Docket D-2017-009-2, issued by the Commission on June 12, 2019, to Delaware River Partners, LLC for the project known as Gibbstown Logistics Center Dock 2. The purpose of the hearing is to afford objectors an opportunity to show that the Commission's docket approval should be changed. The Commission will accept additional written comment on this matter through April 24, 2020.

*Dates.* The hearing beginning on April 15, 2020, will run from 9 a.m. until no later than 4 p.m. and will continue on successive business days until complete. The start time on successive days will be determined by the hearing officer at the close of each day's proceedings and will be posted on the Commission's web site at [www.drbc.gov](http://www.drbc.gov) (see link under "Recent Postings") each day after 4 p.m. Additional written comments on Docket D-2017-009-2 will be accepted through 5 p.m. on April 24, 2020.

*Addresses.* The hearing will take place in Hearing Room 1, State of New Jersey Office of Administrative Law, Quakerbridge Plaza Building 9, Mercerville (Hamilton), NJ 08619. Additional written comments on Docket D-2017-009-2 may be submitted through the Commission's web-based comment system at [www.drbc.gov](http://www.drbc.gov). Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need by writing to the Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance contact Giselle Hernandez at [giselle.hernandez@drbc.gov](mailto:giselle.hernandez@drbc.gov).

*Supplementary Information.* The Commission on June 6, 2019, held a duly noticed public hearing on a draft of Docket D-2017-009-2 for the Gibbstown Logistics Center Dock 2. The Commission accepted written comment on the draft docket through 5 p.m. on June 7, 2019. Under section 3.8 of the Delaware River Basin Compact (Pub.L. No. 87-328) 75 Stat. 688; Pennsylvania Acts of 1961, Act No. 268, Approved July 7, 1961, the Commission by unanimous vote at its regularly scheduled quarterly business meeting on June 12, 2019, approved the final docket, incorporating changes made in response to comments received on the draft. In accordance with Article 6 (Subpart F) (18 CFR 401.81—401.90) of the Commission's Rules of Practice and Procedure, The Delaware Riverkeeper and The Delaware Riverkeeper Network

(DRN) by letter dated July 11, 2019, requested an adjudicatory hearing on the docket approval, and during its business meeting of September 11, 2019, the Commission granted DRN's request. Copies of Docket D-2017-009-2 as approved, the staff's memo responding to comments received on the draft docket, DRN's request for an administrative hearing on the approval and minutes of the Commission's meetings of June 12, 2019, and September 11, 2019, are available on the Commission's web site at [www.drbc.gov](http://www.drbc.gov) (see link under "Recent Postings").

*Hearing Procedure.* The adjudicatory hearing, a trial-like proceeding, will be conducted under Article 6, Subparts E and F of the Rules of Practice and Procedure—sections 2.6.1 through 2.6.10 (18 CFR 401.71—401.90 (relating to appeals or objections to decisions of the executive director in water quality cases; and administrative and other hearings)). Participants are limited to those interested parties who have been identified under section 2.6.4(a) (18 CFR 401.84(a) (relating to hearings generally)), consisting of docket holder Delaware River Partners, LLC; objector DRN; and members of the Commission staff.

*To Attend the Adjudicatory Hearing.* Limited seating, an estimated 40 places, will be available for the general public on a first-come first-served basis. Doors open at 8 a.m. Members of the public will not be afforded an opportunity to speak during the hearing.

*Accommodations for Special Needs.* Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the adjudicatory hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission can accommodate their needs.

*Updates.* Because the daily start time and the duration of the adjudicatory hearing in its entirety cannot be predetermined, between April 15, 2020, and the close of the hearing, the next day's start time will be posted after 4 p.m. on the Commission's web site at [www.drbc.gov](http://www.drbc.gov) (see link under "Recent Postings").

*Additional Information, Contacts.* Additional public records relating to Docket D-2017-009-2 may be obtained through a request in accordance with Article 8, Subpart H of the Rules of Practice and Procedure (18 CFR 401.101—401.119 (relating to public access to records and information)). See <https://www.state.nj.us/drbc/about/public/records-access.html> for details or contact Denise McHugh at (609) 883-9500, Ext. 240, or both.

*Dated:* February 19, 2020

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 20-333. Filed for public inspection March 6, 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 February 25, 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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-20-2020	Castle Creek Capital Partners VI, LP Castle Creek Capital VI, LLC Rancho Santa Fe, CA  Application for approval to acquire up to, but not including, 25% of the common stock of Riverview Financial Corporation, Harrisburg, PA.	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-20-2020	Fidelity D & D Bancorp, Inc. Dunmore Lackawanna County  Application for approval to acquire 100% of MNB Corporation, Bangor, and thereby indirectly acquire 100% of Merchants Bank of Bangor, Bangor.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-20-2020	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County  Application for approval to merge Merchants Bank of Bangor, Bangor, with and into The Fidelity Deposit and Discount Bank.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-19-2020	Somerset Trust Company Somerset Somerset County	157 Pittsburgh Street Scottdale Westmoreland County	Filed
02-19-2020	Somerset Trust Company Somerset Somerset County	351 East Main Street Frostburg Allegany County, MD	Filed
02-20-2020	Republic First Bank Philadelphia Philadelphia County	1090 Third Avenue New York New York County, NY	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-31-2020	Northwest Bank Warren Warren County	730 North Main Street Meadville Crawford County	Closed

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-18-2020	TruMark Financial Credit Union Fort Washington Montgomery County  Application for approval to merge Bethany Baptist Christian Federal Credit Union, Chester, with and into TruMark Financial Credit Union, Fort Washington.	Approved

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

ROBIN L. WIESSMANN,  
*Secretary*

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Availability of Draft 2019 Consolidated Plan Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its 2019 Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during the 2019 program year in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2019—2023. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing, homelessness and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grant Program, Housing Opportunities for People with AIDS Program and Housing Trust Fund. Additionally, this CAPER will detail funding from 2019 under the Neighborhood Stabilization Program and the Community Development Block Grant—Disaster Recovery Program. The CAPER discusses accomplishments in relation to goals and objectives identified in the 2019 Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan, discusses how the Commonwealth is affirmatively furthering fair and affordable housing, reviews the activities of the Continuums of Care, and appraises how well resources in community development, homelessness and housing are being leveraged.

#### *Public Comments*

Individuals or organizations may provide written comments regarding this draft version of the CAPER. This report will be available on March 9, 2020, at <http://dced.pa.gov> or by calling (717) 720-7404. Written comments will be accepted about the CAPER content and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

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

Written comments will be accepted until 4 p.m. on March 26, 2020, and should be sent to the previously listed address or e-mailed to [RA-DCEDcdbhqhomequestions@pa.gov](mailto:RA-DCEDcdbhqhomequestions@pa.gov). Submission to HUD should be on or near March 27, 2020.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 20-335. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Availability of the Draft 2020 Annual Action Plan; Public Hearing

The Department of Community and Economic Development (Department) announces the availability of the Commonwealth's draft Federal Fiscal Year 2020 Annual Action Plan (Plan). The Plan is submitted to the United States Department of Housing and Urban Development (HUD) as the annual application for Federal funds administered by the Commonwealth. The HUD funding programs covered by the Plan and administered by the Department are the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), the Emergency Solutions Grant (ESG) programs, Community Development Block Grant—Disaster Recovery (CDBG-DR) and Neighborhood Stabilization Program (NSP). Also covered by the Plan is the Housing Opportunities for Persons with AIDS (HOPWA) program which the Department administers and the National Housing Trust Fund (HTF) which is administered by the Pennsylvania Housing Finance Agency (PHFA).

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations of this Commonwealth to comment about the Plan prior to its submission to HUD. Comments may be electronically submitted to the Department by e-mail to [RA-DCEDcdbhqhomequestions@pa.gov](mailto:RA-DCEDcdbhqhomequestions@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. Electronic and written comments must be received by 4 p.m. on Wednesday, April 8, 2020, to be included as testimony in the Plan.

#### *Purpose*

The Plan takes the strategy developed in the Consolidated Plan of 2019—2023 and applies it to the administration of the CDBG, HOME, ESG, CDBG-DR, NSP, HOPWA and HTF programs for 2020. HUD must approve the Plan for the Commonwealth to receive funding under the identified HUD programs.

#### *Content*

The Plan will include the Methods of Distribution for all Federal programs, as well as the goals and outcomes expected during the 2020 calendar year. Besides the Department's web site <http://dced.pa.gov>, the approved Plan will be able to be viewed on HUD's web site at <https://www.hudexchange.info/consolidated-plan/con-plans-aaps-capers/>.

#### *Major changes in the method of distribution for 2020 by program*

##### *CDBG—*

*Entitlement—*No changes

*Competitive—*No changes

##### *CDBG-DR—*No changes

##### *HOME—*

1. Maximum funding availability varies by HOME eligible activity.

a. Applicants seeking Existing Owner-Occupied Housing Rehabilitation and Homebuyer activities funding will

be limited to a maximum of \$500,000 as a town, borough or township. Cities and county applicants are limited to \$750,000.

b. Applicants seeking rental housing and homebuyer—new construction activities will be limited to a maximum funding request of the per unit subsidy limits for the Metropolitan Statistical Area for the proposed activity.

2. All rental housing applicants must demonstrate matching contributions equal to 25% or greater for all HOME rental projects. Eligible match contributions may include cash contributions from non-Federal sources, value of donated property, forbearance of fees, cost of onsite infrastructure improvements directly required for the HOME-assisted project and other eligible sources more specifically detailed in 24 CFR 92.220 (relating to form of matching contribution).

3. Rental housing developments funded by the Department competitive process will be limited to projects consisting of less than 10 total units. All other rental housing activities, for 10 units and above, may be submitted to the PHFA and following the PHFA's Penn HOMES application process.

4. A Community Housing Development Organization (CHDO) can receive up to 50% of its annual operating budget or \$50,000, whichever is greater as CHDO operating funds. (Note: The Department's HOME Program has capped all CHDO operating assistance at \$100,000 per CHDO Set-Aside project per current round.)

#### ESG—

1. The Department will limit the percent of funds allocated to emergency shelter activities to 20% of the allocation less Homeless Management Information System and administration.

2. Each applicant must demonstrate coordination of their efforts with the local Continuum of Care priorities.

3. Regional activities must benefit service areas greater than one county.

#### 4. *Funding target—housing locator services*

Housing locator services focus on services or activities necessary to assist program participants in locating, obtaining and retaining suitable permanent housing and increasing housing stability and self-sufficiency. Services should include: assessment, arranging, coordinating, and housing stability plan development, with an emphasis on acting as a liaison to secure and maintain housing; employment; a connection to mainstream resources and services; coordination with other providers; monitoring of progress; and advocating on behalf of the client. Services should also focus on building a set of supports that can help prevent the recurrence of a housing crisis.

5. The Department will grant award amounts based on the evaluations until all grant funds are awarded. Applicants who have previously returned funds will receive a reduction of 25 points on their application.

6. ESG funds may become available for reallocation as a result of poor grantee performance, voluntary returns, funds returned at the end of the contract period, repayment of ineligible expenses or HUD approved reallocation of expired funds. The Department will utilize its Reallocation Policy to allocate available funds.

*HOPWA*—No changes

*HTF*—To Be Determined—Allocations for 2020 have not been released. An amendment to the Plan will be made once that happens and any changes in the method of distribution will be discussed.

#### *Public Review*

The Plan is available on the Internet or in hard copy for public comment from March 9, 2020, through April 8, 2020. CD copies of the Plan can be obtained by calling (717) 720-7404.

#### *Written Comments*

Comments may be electronically submitted to the Department by e-mail to RA-DCEDcdhomequestions@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 4 p.m. Wednesday, April 8, 2020, to be included as testimony in the Plan.

#### *Public Hearing*

The public hearing for the Plan will be conducted electronically, by means of the Internet/conference call on Wednesday, April 1, 2020. The public hearing by means of the Internet/conference call will be held at 1:30 p.m. and will last as long as there are comments to be received. This more widely available computer access/conference call will replace the onsite public hearing. The format will be more accessible than an in-person meeting because those who wish to make comments or discuss policy may participate directly from their electronic device, telephone or from a computer located at their public library. Interested parties may also attend the public hearing in person at the Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA.

Any individual or organization may give testimony or comments by means of the Internet, telephone or hard copy. Comments will be accepted on the content of the Commonwealth's Plan including the various changes to the method of distribution already previously outlined, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

There is no registration, but individuals may join the meeting directly using the following methods:

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.

*Place:* The Department's Harrisburg offices or by means of Skype or conference call

Individuals can join the public hearing by going to <https://meet.lync.com/pagov/jmichael/TNUMR9VM>.

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

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

Persons 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, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-

0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 20-336. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of Grant Funds

The Department of Education (Department) announces the availability of approximately \$1.7 million for Integrated English Literacy and Civics Education (IELCE) Program grants under section 243 of the Workforce Innovation and Opportunity Act (WIOA) (29 U.S.C.A. § 3333).

The purpose of this funding is to create a partnership among the Federal government, states and localities to provide, on a voluntary basis, integrated English literacy and civics education activities, in combination with integrated education and training activities. Each program that receives this funding must be designed to prepare adults who are English language learners for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and integrate with the local workforce development system and its functions to carry out the activities of the program.

#### *Eligible Applicants*

As defined in WIOA, an eligible provider is an organization that has demonstrated effectiveness in providing adult education and literacy activities that may include:

1. A local education agency.
2. A community-based organization or faith-based organization.
3. A volunteer literacy organization.
4. An institution of higher education.
5. A public or private nonprofit agency.
6. A library.
7. A public housing authority.
8. A nonprofit institution that is not previously described and has the ability to provide adult education and literacy activities to eligible individuals.
9. A consortium or coalition of the agencies, organizations, institutions, libraries or authorities previously described.
10. A partnership between an employer and an entity previously described.
11. Other organizations not previously listed.

For the purposes of the competition in this Commonwealth, a consortium or coalition of agencies will be defined as a main grantee with one or more subgrantees. The main grantee will serve as both the fiscal agent for the grant and a provider of some of the services proposed in the grant application. The main grantee is responsible for ensuring that all activities provided are completed as proposed and is responsible for monitoring and compliance of the subgrantees. Applicants cannot subcontract with another applicant for a portion of the proposed services. Agencies can only be a main grantee or a

subgrantee. Answers in the Narrative and Agency Information sections of the grant application should reflect the work of the consortium/coalition rather than treat each entity separately.

#### *Establishing Demonstrated Effectiveness*

For the purposes of establishing demonstrated effectiveness to qualify as an eligible provider for section 243 funding, an applicant must provide performance data on its record of improving the skills of eligible individuals, particularly eligible individuals who have low levels of literacy, information regarding its outcomes for participants related to employment, attainment of a secondary school diploma or its equivalent and transition to postsecondary education and training. An applicant that has been previously funded under Title II of WIOA (29 U.S.C.A. §§ 3271—3333) must submit performance data required under section 116 of WIOA (29 U.S.C.A. § 3141). An applicant that has not been previously funded under Title II of WIOA must provide performance data to demonstrate its past effectiveness. Each individual agency in a consortium or coalition of agencies must be an eligible provider by itself (that is, must be an organization that has demonstrated effectiveness in providing adult education and literacy activities) and must individually provide all of the data required to establish demonstrated effectiveness.

The Department will require applicants to provide quantitative data for the immediate preceding 2 program years. The data provided by the applicant to establish demonstrated effectiveness must include the following:

1. The number of individuals in the outcome cohort (that is, the denominator).
2. The number of individuals who achieved the outcomes (that is, the numerator).
3. The resulting percentage of individuals who achieved the outcome.

The Department has established the following thresholds for an applicant to be determined to be an eligible provider for the purposes of this section 243 IELCE 061 grant competition:

1. A total number of individuals in ESL levels greater than 30 in each of the 2 years.
2. A denominator greater than 5 for each of the following outcomes, Attain a high school diploma or its equivalent, Transition to employment, and Transition to postsecondary education or training in each of the 2 years.
3. The overall percentage of individuals in the six ESL levels combined who improved English language proficiency must be greater than 30% in each of the 2 years.

Prior to reviewing and scoring submitted applications, the Department will review the information provided by each applicant, including each agency in a consortium or coalition of agencies, to establish demonstrated effectiveness to determine if that applicant is an eligible provider. Only applications that are determined to be from eligible providers will be reviewed, scored and considered for funding. In the case of a consortium or coalition of agencies, all agencies in the consortium or coalition must be determined to be eligible providers. Applicants that are not able to establish demonstrated effectiveness under the previous criteria are not eligible providers and their applications will not be reviewed, scored and considered for funding. Any applicants that are determined not to be eligible providers will be notified of that decision.

The Department reserves the right to require successful applicants to submit documentation in support of the information provided to establish demonstrated effectiveness.

Successful grant applications for the IELCE Program will be approved for a 3-year grant cycle. Grant funds will be awarded through annual 1-year notifications of funding contingent upon availability of funds. Each year, grantees will be required to submit budgets and program year specific information by means of the eGrants system to receive funding. Each year’s renewal option, grant conditions and grant amounts will be based on the following criteria:

1. Contract compliance, including success in meeting contracted enrollment and providing the contracted services.
2. Evidence of sufficient progress in meeting the targets proposed in the grant application and finalized through negotiation with the Department.
3. Evidence of continuous program improvement.
4. Compliance with fiscal and programmatic policies and guidelines.
5. The amount of the appropriation.

Programs that fail to sufficiently address the previous criteria or any additional conditions imposed on individual grants may be terminated prior to the end of the grant cycle.

Title II of WIOA establishes requirements for the grant competition process, including items that must be addressed in the grant applications and items that the Department must take into consideration when awarding grants. This Request for Grant Application Guidelines and the questions in the grant narrative are designed to ensure that all necessary information is included. The Division of Adult Education strongly encourages appli-

cants to refer to the Adult Education and Family Literacy Act at 34 CFR Part 463 (relating to Adult Education and Family Literacy Act) when completing the grant application.

Applications must be submitted through the Department’s eGrants system. For access to the eGrants system and the related grant opportunities, prospective applicants should send an e-mail to ra-able@pa.gov with the subject line of “Division of Adult Education grant competition.” In the body of the e-mail, prospective applicants should state the agency name and the agency’s intent to apply for an IELCE Program grant. Prior to sending the e-mail, the applicant should search for the agency record in the Department’s Educational Names and Addresses (EdNA) database.

1. Agencies found in EdNA should include in their e-mail their Administrative Unit Number (AUN) and contact information for the individual at the agency who will create and complete the grant applications.
2. Agencies not listed in EdNA should indicate in their e-mail that they are not found in the State database and provide contact information for the agency administrator who will work with the Division of Adult Education to establish a listing and be assigned an AUN.

Further details regarding this funding opportunity will be posted to the Division of Adult Education Grant Competitions webpage as they become available at <https://www.education.pa.gov/Postsecondary-Adult/Adult%20and%20Family%20Literacy%20Education/Grants/Pages/GrantCompetitions.aspx>.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 20-337. Filed for public inspection March 6, 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.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0063631 (Sewage)	Parkland High School 2700 N Cedar Crest Boulevard Allentown, PA 18104-9665	Lehigh County South Whitehall Township	Jordan Creek (TSF, MF) (2-C)	Yes
PA0060674 (Sewage)	Camp Lee Mar 805 Redgate Road Dresher, PA 19025	Pike County Lackawaxen Township	Unnamed Tributary to Lords Creek (HQ-CWF, MF) (1-B)	Yes
PA0062936 (Industrial)	Lehigh Authority Water System P.O. Box 29 Lehigh, PA 18235	Carbon County Franklin Township	Long Run (CWF, MF) (2-B)	Yes
PA0061212 (Sewage)	Bum's Rush Restaurant WWTP 655 Route 61 Orwigsburg, PA 17961-2231	Schuylkill County North Manheim Township	Mahannon Creek (CWF, MF) (3-A)	Yes
PA0064106 (Sewage)	Benton Nicholson Joint Sewer Authority WWTP 123 Cobb Hill Road Nicholson, PA 18446	Wyoming County Nicholson Township	Unnamed Tributary to South Branch Tunkhannock Creek (CWF) (4-F)	Yes

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0040835 (Industrial)	PA Fish & Boat Commission Bellefonte State Hatchery 1735 Shiloh Road State College, PA 16801-8400	Centre County Benner Township	Spring Creek (HQ-CWF) (9-C)	Yes
PA0014575 (Industrial)	Jersey Shore Area Joint Water Authority P.O. Box 5046 Jersey Shore, PA 17740-5046	Lycoming County Anthony Township	Larrys Creek (EV (existing use)) (10-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0217620 (Sewage)	Bailey Mine 1000 Consol Energy Drive Canonsburg, PA 15317-6506	Greene County Richhill Township	Crabapple Creek (WWF) (20-E)	Yes
PA0092801 (Sewage)	CCAC W Hills Center STP 800 Allegheny Avenue Pittsburgh, PA 15233-1804	Allegheny County North Fayette Township	Unnamed Tributary of Robinson Run (WWF) (20-F)	Yes
PA0030287 (Sewage)	Allegheny Country Club 250 Country Club Road Sewickley, PA 15143-9449	Allegheny County Sewickley Heights Borough	Unnamed Tributary to Little Sewickley Creek (HQ-TSF) (20-G)	Yes
PA0095478 (Sewage)	Jefferson Estates Inc. P.O. Box 65 Perryopolis, PA 15473-0065	Fayette County Jefferson Township	Unnamed Tributary of Little Redstone Creek (WWF) (19-C)	Yes
PA0204161 (Sewage)	Valley School of Ligonier P.O. Box 616 Ligonier, PA 15658-0616	Westmoreland County Ligonier Township	Unnamed Tributary of Loyalhanna Creek (HQ-CWF) (18-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0104353 (Sewage)	Oakleaf Estates MHP 366 Center Road Unit 301 Brunswick, OH 44212	Mercer County Shenango Township	Unnamed Tributary to Shenango River (20-A)	Yes

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

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

**Application No. PA0232475, Andrew A. Reiff**, Swine Farm, 8245 Buffalo Road, Mifflinburg, PA 17844-7856, has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as West Buffalo Township Swine Finishing Operation, located in West Buffalo Township, **Union County**.

The CAFO is situated near Rapid Run (HQ-CWF, MF) in Watershed 10-C, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 729.08 animal equivalent units (AEUs) consisting of 4,800 Finishing Swine. Manure is stored underbarn in a 501 ft × 81 ft × 5 ft liquid storage. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**Application No. PA0246948**, Concentrated Animal Feeding Operation (CAFO), **Brian D Eckman & Donald M Eckman (Eckman Farm CAFO)**, 357 Black Barren Road, Peach Bottom, PA 17563-9798.

Brian D Eckman & Donald M Eckman have submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Eckman Acres Farm CAFO, located in Fulton Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary of Conowingo Creek (HQ-CWF, MF) and Unnamed Tributary of Conowingo Creek (HQ-CWF) in Watershed 7-K, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 760.22 animal equivalent units (AEUs) consisting of 3,200 grow-finish swine and 75,600 poultry broilers. Swine manure is stored in a 270 ft × 110 ft × 6 ft Rectangular Concrete underhouse storage with a 6-inch freeboard and

1,110,780-gallon capacity and poultry litter collects in the confinement barns. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

**PA0025984**, Sewage, SIC Code 4952, **Allegheny County Sanitary Authority ALCOSAN**, 3300 Preble Avenue, Pittsburgh, PA 15233-1025. Facility Name: ALCOSAN Woods Run Wastewater Treatment Plant. This existing facility is in the City of Pittsburgh, **Allegheny County**.

Description of Existing Activity: The application is for NPDES permit amendment for an existing discharge of treated sewage and expansion of discharge.

The receiving stream, Ohio River (WWF), is in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The existing effluent limits for Outfall 001 are based on a design flow of 250 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	250	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	52,125	78,187	XXX	25.0	37.5 Wkly Avg	50
May 1 - Oct 31	41,700	62,550	XXX	20.0	30.0 Wkly Avg	40
Total Suspended Solids	62,550	93,825	XXX	30.0	45.0 Wkly Avg	60
Total Dissolved Solids	Report	Report Daily Max	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Nov 1 - Mar 31	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
Apr 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	400
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - May 31	52,125	78,187	XXX	25.0	37.5 Wkly Avg	50
Jun 1 - Oct 31	18,765	28,147	XXX	9.0	13.5 Wkly Avg	18
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

## NOTICES

The proposed effluent limits for Outfall 001 are based on a design flow of 295 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	295	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	61,508	93,491	XXX	25.0	38.0	50
May 1 - Oct 31	49,206	73,809	XXX	20.0	Wkly Avg 30.0	40
Total Suspended Solids	73,809	110,714	XXX	30.0	Wkly Avg 45.0	60
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
		Daily Max				
Fecal Coliform (No./100 ml)						
Nov 1 - Mar 31	XXX	XXX	XXX	2,000	XXX	XXX
Apr 1 - Oct 31	XXX	XXX	XXX	Geo Mean 200	XXX	400
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		
Ammonia-Nitrogen						
Nov 1 - May 31	51,666	77,499	XXX	21.0	31.5	42
Jun 1 - Oct 31	17,222	25,833	XXX	7.0	Wkly Avg 10.5	14
Total Kjeldahl Nitrogen	Wkly Avg XXX	XXX	XXX	Report	Wkly Avg XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed influent monitoring requirements for Outfall 001 are based on a design flow of 295 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Combined Sewage Outfall 002 are based on a design flow of 305 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	Report	Report	XXX	Report	Report	XXX
BOD <sub>5</sub>						
Raw Sewage	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Total Suspended Solids						
Raw Sewage	Report	Report	XXX	Report	Report	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Nov 1 - Mar 31	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
Apr 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	400
Total Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX

Combined Sewer Overflow Outfall 002 will receive treatment consisting of Screening, Primary Settling and Disinfection.

Sludge use and disposal description and location(s): Sludge is incinerated on site with disposal at landfill.

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

- Combined sewer overflows (CSOs) are permitted to discharge only in compliance with this permit when flows in combined sewer systems exceed the design capacity of the conveyance or treatment facilities of the system during or immediately after wet weather periods. Overflows that occur without an accompanying precipitation event or snow-melt are termed “dry weather overflows” and are prohibited. CSOs are point source discharges that must be provided with control measures in accordance with the Federal Clean Water Act and the 1994 National CSO Policy.

- The Authority will continue to implement its EPA approved Pre-Treatment Program.

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

The EPA Waiver is not in effect.

**PA0255637**, Sewage, SIC Code 8800, **Sandra J. Furmanek**, 1206 Eldersville Road, Burgettstown, PA 15021. Facility Name: Furmanek Property SRSTP. This proposed facility is located in Jefferson Township, **Washington County**.

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

The receiving stream(s), North Fork Cross 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.

The proposed effluent limits for Outfall 001 are based on a design flow of 500 GPD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

Sludge use and disposal description and location(s): To be hauled for further treatment.

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.

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

**PA0288071**, Sewage, SIC Code 8800, **Thomas A Zeller**, 725 Fairchild Avenue, Kent, OH 44240. Facility Name: Thomas A Zeller SRSTP. This proposed facility is located in Monroe Township, **Clarion County**.

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

The receiving stream is Piney Creek, located in State Water Plan watershed 17-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sewage sludge is disposed off-site through a licensed septage hauler.

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

The EPA Waiver is in effect.

**PA0288080**, Sewage, SIC Code 8800, **Allison Seppala**, 10300 Route 98, Edinboro, PA 16412-3620. Facility Name: Allison Seppala SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 2188407 A-2**, Sewerage, **Regency Woods MHP**, 7394 Wertzville Road, Carlisle, PA 17015.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Addition of grease interceptor tank and post aeration tank and removal of the existing comminutor.

**WQM Permit No. 5020401**, Sewerage, **ACD Realty, LLC**, 29 Ashmar Drive, Duncannon, PA 17020.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system for the property located at 2215 State Road, Duncannon, PA 17020.

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

**WQM Permit No. 2720401**, Sewage, **Craig Toocheck**, 520 Edgewood Avenue, Trafford, PA 15085.

This proposed facility is located in Harmony Township, **Forest County**.

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

**WQM Permit No. 1020403**, Sewage, **Jack Kuhns**, 111 Noah Lane, Butler, PA 16001.

This proposed facility is located in Center Township, **Butler County**.

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

**WQM Permit No. 1020404**, Sewage, **Thomas H Perry**, 307 Harmony Road, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler County**.

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

**WQM Permit No. 1002401 A-2**, Sewage, **Breakneck Creek Region Authority**, 1166 Mars Evans City Road, Mars, PA 16046-2216.

This existing facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: Amendment to expand sewage treatment plant capacity with the addition of two SBR tanks, two digesters, belt filter press building, rehabilitation and modifications to existing facilities.

**WQM Permit No. 1620402**, Sewage, **Philip C Kiser**, 202 South Street, Clarion, PA 16214.

This proposed facility is located in Clarion Township, **Clarion County**.

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

**WQM Permit No. 2520403**, Sewage, **Kristine & Vincent Balinski**, 3578 Reichert Road, Erie, PA 16509.

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

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

**WQM Permit No. 1020405**, Sewage, **Blue Key Properties Group LLC**, 207 Center Oak Drive, Cranberry Twp, PA 16066.

This proposed facility is located in Muddycreek Township, **Butler County**.

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

**WQM Permit No. 2720402**, Sewage, **Thomas Sokolowski**, 2206 Kilpatrick Avenue, Erie, PA 16503.

This proposed facility is located in Howe Township, **Forest 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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*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.*

**PAI134803**, MS4, **College Township**, 1481 E College Avenue, State College, PA 16801-6815. 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 College Township, **Centre County**. The receiving stream(s) Slab Cabin Run, Unnamed Tributary of Slab Cabin Run ("Thompson Run"), and Spring Creek, are located in State Water Plan watershed 6-A and 9-C and are classified for Cold Water Fishes, High Quality—Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**PAI134805**, MS4, **Ferguson Township**, 3147 Research Drive, State College, PA 16801-2752. 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 Ferguson Township, **Centre County**. The receiving stream(s), Unnamed Tributary of Spring Creek ("Big Hollow"), Unnamed Tributary of Big Hollow, Unnamed Tributary of Beaver Branch, Slab Cabin Run, and Unnamed Tributaries of Slab Cabin Run, are located in State Water Plan watershed 9-C and are classified for Cold Water Fishes, High Quality—Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**PAI134801**, MS4, **Harris Township**, P.O. Box 20, Boalsburg, PA 16827-0020. 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 Harris Township, **Centre County**. The receiving stream(s), Spring Creek, is located in State Water Plan watershed 9-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**PAI134802**, MS4, **Patton Township**, 100 Patton Plaza, State College, PA 16803-2304. 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 Patton Township, **Centre County**. The receiving stream(s), Buffalo Run, Unnamed Tributaries of Buffalo Run, and Unnamed Tributaries of Spring Creek, are located in State Water Plan watershed 9-C and are classified for Cold Water Fishes, High Quality—Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**PAI134807**, MS4, **The Pennsylvania State University**, 139J Physical Plant Building, University Park, PA 16802. 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 State College Borough, **Centre County**. The receiving stream(s) Unnamed Tributary of Slab Cabin Run (“Thompson Run”), is located in State Water Plan watershed 9-C and is classified for High Quality—Cold Water, Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**PAI134804**, MS4, **State College Borough**, 243 S Allen Street, State College, PA 16801-4806. 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 State College Borough, **Centre County**. The receiving stream(s), Unnamed Tributary of Slab Cabin Run (“Thompson Run”), Unnamed Tributary of Slab Cabin Run (“Walnut Spring”), Slab Cabin Run, and Unnamed Tributary of Spring Creek (“Big Hollow”) are located in State Water Plan watershed 9-C and are classified for Cold Water Fishes, High Quality—Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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



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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

*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>
PAD390152	Jaindl Land Co 3150 Coffeetown Rd Orefield, PA 18069	Lehigh	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave, Greystone Building, Nazareth, PA 18064-9211, 610-829-6276.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480120	Nic Zawarski & Sons Dev Inc. c/o Taras W Zawarski 1441 Linden St Bethlehem, PA 18018	Northampton	Forks Twp	Bushkill Creek (HQ-CWF, MF)

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Darvin Martin 8245 Holbens Valley Rd New Tripoli, PA 18066	Lehigh	170.3	212	Dairy and Duck	HQ-CWF	New
Elvin Martin 980 Little Mountain Road Myerstown, PA 17067	Berks	140	387.02	Swine, Beef Cattle, Custom Heifers	N/A	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.*

**Permit No. 0920504, Public Water Supply.**

**Applicant** **Buckingham Elementary School**  
2414 Durham Road  
Buckingham, PA 18912

**Township** Buckingham

**County** **Bucks**

**Responsible Official** Mike Nickerson  
Environmental Safety Coordinator  
2414 Durham Road  
Buckingham, PA 18912

**Type of Facility** PWS

**Consulting Engineer** Theresa Funk, P.E.  
Gilmore & Associates, Inc.  
65 East Butler Avenue  
Suite 100  
New Britain, PA 18901

**Application Received Date** February 12, 2020

**Description of Action** PH adjustment using neutralizing media for lead corrosion control.

*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. 3540059, Rescission of Operation Permit, Public Water Supply.**

**Applicant** **Keller Property Management, Inc.**  
c/o Happy Valley Mobile Home Park  
1329 Richmond Road  
Fleetwood, PA 19522

**Municipality** West Brunswick Township

**County** **Schuylkill**

**Type of Facility** Public Water Supply

**Responsible Official** Christopher S. Hauger

**Type of Facility** Public Water Supply

**Consulting Engineer** N/A

**Application Received Date** February 5, 2020

**Description of Application** Request to rescind Operation Permit No. 3540059 for Happy Valley Mobile Home Park water system.

**Application No. 5420501, Public Water Supply.**

**Applicant** **Mountain Valley Golf Course**  
P.O. Box 279  
Saint Clair, PA 17970

**Municipality** Saint Clair Borough

**County** **Schuylkill**

**Type of Facility** Public Water Supply

**Consulting Engineer** Bradley D. Smith, P.E.  
ARRO Consulting, Inc.  
50 Berkshire Court  
Suite 209  
Wyomissing, PA 19610

**Application Received Date** February 7, 2020

**Description of Application** The applicant is requesting a permit to add soda ash near the well pressure tanks to raise the pH to 7.4-7.5 for corrosion control.

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

**Permit No. 4420502, Public Water Supply.**

**Applicant** **Lewistown Municipal Authority**

**Municipality** Armagh Township

**County** **Mifflin**

**Responsible Official** Craig Bubb, Superintendent  
70 Chestnut Street  
Lewistown, PA 17004-2216

**Type of Facility** Public Water Supply

Consulting Engineer Jason G. Saylor, P.E.  
Utility Service Company Inc.  
1230 Peachtree Street NE  
Atlanta, GA 30309

Application Received: February 24, 2020

Description of Action Installation of a new booster  
pumping station.

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

**Permit No. 3020501C**, Public Water Supply.

Applicant **Southwestern Pennsylvania  
Water Authority**  
P.O. Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

Township or Borough Cumberland Township  
County **Greene**

Responsible Official Timothy Faddis, Manager  
Southwestern Pennsylvania  
Water Authority  
P.O. Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received February 21, 2020  
Date

Description of Action Chemical feed system  
improvements.

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

**Permit No. 0320501**, Public Water Supply.

Applicant **PA American Water Company**

Township or Borough Rayburn Township  
County **Armstrong**

Responsible Official Bruce Alton

Type of Facility Public Water Supply

Consulting Engineer Jay R. Lucas  
852 Wesley Drive  
Mechanicsburg, PA 17055

Application Received February 19, 2020  
Date

Description of Action Replace Troy Hill Booster  
Station.

**MINOR AMENDMENT**

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

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

**Application No. 1120501MA**, Minor Amendment.

Applicant **Carrolltown Borough  
Municipal Authority**  
P.O. Box 307  
140 East Carroll Street  
Carrolltown, PA 15722

Township or Borough East Carroll Township  
County **Cambria**

Responsible Official Michael J. Waksmunski,  
Authority Chairman  
Carrolltown Borough Municipal  
Authority  
P.O. Box 307  
140 East Carroll Street  
Carrolltown, PA 15722

Type of Facility Water system

Consulting Engineer Keller Engineers, Inc.  
420 Allegheny Street  
Hollidaysburg, PA 16648

Application Received February 18, 2020  
Date

Description of Action Installation of new water main  
along Dutch Road.

**Application No. 5260007-T1**, Minor Amendment.

Applicant **North Fayette County  
Municipal Authority**  
1634 University Drive  
Dunbar, PA 15431

Township or Borough Fairchance Borough  
County **Fayette**

Responsible Official Richard Kasunic, Chairman  
North Fayette County Municipal  
Authority  
1634 University Drive  
Dunbar, PA 15431

Type of Facility Water system

Consulting Engineer N/A

Application Received December 18, 2019  
Date

Description of Action Transfer of the Fairchance  
Borough public water supply  
system to the North Fayette  
County Municipal Authority.

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

**Application No. 6111504-MA1**, Minor Amendment.

Applicant **Cranberry-Venango County  
General Authority**

Township or Borough Cranberry Township  
County **Venango County**

Responsible Official Chad Findlay

Type of Facility Public Water Supply

Consulting Engineer Beau Schettler  
The EADS Group  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received February 19, 2020  
Date

Description of Action Chlorine Treatment Modification

## WATER ALLOCATIONS

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

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

**WA 25-1000**, Water Allocations. **Washington Township Water Authority**, 11800 Edinboro Road, Edinboro, PA 16412, Washington Township, **Erie County**. Water Allocation Permit application requesting the right to withdraw a maximum total of 212,500 gallons per day from Well No. 1 and/or Well No. 2.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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**Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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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, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified 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 involve-

ment 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**1620-1650 North Street**, 1620-1650 North 5th Street, City of Philadelphia, **Philadelphia County**. Jennifer Poole, PG, Pennoni Associates, 1900 Market Street, Suite # 300, Philadelphia, PA 19103 on behalf of Larry McKnight, Riverwards Group, 3020 Richmond Street, Philadelphia, PA 19134 submitted a Notice of Intent to Remediate. A release of heating oil contaminated the groundwater on the site. The proposed cleanup standard for the site is Statewide Health Standard. The Notice of Intent to Remediate was published in the *Metro Philadelphia* on January 28, 2020.

**Commercial Property**, 105 Bala Avenue, Lower Merion Township, **Montgomery County**. Henry Bienkowski, PG, Crawford Environmental Services, Inc., 20 Cardinal Drive, Birdboro, PA 19508 on behalf of Garrett Bergman, P.O. Box 465, Narberth, PA 19072 submitted a Notice of Intent to Remediate. No. 2 fuel oil has contaminated soil and groundwater at the site. The proposed future use of the property will be non-residential as a professional office building. The proposed cleanup standard for the site is Site-Specific Standard. The Notice of Intent to Remediate was published in the *Metro Philadelphia* on January 26, 2020.

## REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

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**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.**

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*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit Application No. WMGR123SW042. 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 Bedillion Day Tank Pad Reuse Water Storage Facility for storage and reuse of oil and gas liquid waste at a site located in Amwell Township, **Washington County**. The registration request was received in the Regional Office on February 13, 2020 and accepted as administratively complete on February 24, 2020.

**DETERMINATION FOR APPLICABILITY FOR  
MUNICIPAL WASTE GENERAL PERMITS**

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

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit No. WMGM043NW006. Fox & Sons Excavating, LLC**, 237 North Main Street, Clarendon, PA 16313. An application for a Determination of Applicability under municipal waste General Permit WMGR043 for the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials at 237 North Main Street, in Clarendon, **Warren County**, was received on February 14, 2020, and deemed administratively complete by the Regional Office. Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6078. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Telephone 717.705.4706.*

**General Permit Application No. WMGR081SC003. Gigabiter LLC**, 822 North Reading Avenue, Boyertown, PA 19512, Colebrookdale Township, **Berks County**. This general permit authorizes the processing of uncontaminated and source-separated electronic devices by disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility. The application for determination of applicability was determined to be complete by the Southcentral Regional Office on February 19, 2020.

Comments concerning the application should be directed to Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact, the Southcentral Regional Office's Waste Management Program at 717.705.4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Applications Deemed Administratively Complete Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), The Municipal Waste Planning, Recycling And Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) And Regulations To Operate Solid Waste Processing Or Disposal Area Or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Permit Application No. 301333. Waste Recovery Solutions, LLC**, 343 King Street, Myerstown, PA 17067, Jackson Township, **Lebanon County**. An application for a permit renewal was submitted by Waste Recovery Solutions, LLC, for continued operation of their residual waste processing facility located in Jackson Township, Lebanon County. The current permit expires May 23, 2020. This application was deemed administratively complete by the Southcentral Regional Office on February 11, 2020.

Comments concerning the application should be directed to John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Permit Application No. 101100. Waste Management Disposal Services of Pennsylvania, Inc.**, 9446 Letzburg Road, Greencastle, PA 17225, Antrim and Montgomery Townships, **Franklin County**. An application for a permit renewal was submitted by Waste Management Disposal Services of Pennsylvania, Inc., for continued operation of the Mountain View Reclamation landfill located in Antrim and Montgomery Townships, Franklin County. The current permit expires August 1, 2020. This application was deemed administratively complete by the Southcentral Regional Office on February 10, 2020.

Comments concerning the application should be directed to John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING  
PERMIT APPLICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a

proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

#### PLAN APPROVALS

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

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

*Contact: Dave Balog, New Source Review Chief, (814) 332-6328.*

**03-269B: PulFlex Technologies, LLC** (P.O. Box 7159, New Castle, PA 16107), plan approval application received for the installation and initial operation of composite plastic part production equipment in Ford City, **Armstrong County**. This will be a natural minor facility.

**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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief, (570) 826-2507.*

**48-00005C: Hercules Cement Company dba Bucci Unicem USA** (501 Hercules Drive, P.O. Box 69, Stockertown, PA 18083) submitted an application to the Department of Environmental Protection for a plan approval for the streamlining to their existing operating permit conditions at their facility located in Stockertown Borough, **Northampton County**. The facility currently operates under Title V Operating Permit No. 48-00005. This plan approval will be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

This application seeks to streamline existing permit conditions into more recent requirements under 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing Industry. The Department's review of the information submitted by Hercules Cement indicates that the proposed modifications will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. The company shall comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall comply with 25 Pa. Code § 123.13 for particulate emissions. The company shall comply with 25 Pa. Code § 123.41 for visible emissions. The company is subject to 40 CFR Part 63 Subpart LLL requirements. CEMS will continue to be used to measure NO<sub>x</sub> and SO<sub>2</sub> emissions. The Plan approval and Operating Permit will include testing, monitoring, record keeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

The Plan approval and Operating Permit will include testing, monitoring, record keeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered

prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00005C, and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**17-00068B: PA Waste, LLC** (175 Bustleton Pike, Feasterville, PA 19053) for the construction and operation of a municipal solid waste landfill (Source P101) at the proposed Camp Hope Run Landfill site in Boggs Township, **Clearfield County**. The air contaminant emissions from the proposed landfill will be captured by a landfill gas collection system and controlled by a 3,000 cubic foot per minute enclosed flare (Control Device C101). Additional sources at the facility include the haul roads (Source P102) and a leachate treatment system (Source P103). This is a Title V facility for which an operating permit application will be required at a later date.

The Department's review of the information contained in the application submitted by PA Waste, LLC, indicates that the sources will comply with all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxide emission limitation of 25 Pa. Code § 123.21 and the visible emission limitation of 25 Pa. Code § 123.41. Additionally, the Department has determined that the proposed facility satisfies best available technology requirements pursuant to 25 Pa. Code §§ 127.1 and 127.12 (BAT) as well as the requirements of the Standards of Performance for Municipal Solid Waste Landfills specified in 40 CFR Part 60 Subpart XXX. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 17-00068B, the requirements established in the plan approval will be incorporated into a new Title V Operating Permit. The Title V operating permit application will be required at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction and operation of the proposed landfill. In addition to the emission limitations, the following is a brief description of the conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements.

1. Pursuant to the BAT, the permittee shall not permit the following air contaminant emissions from the exhaust of Control Device ID C101 associated with Source P101 in excess of the following limitations:

a. nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>)—0.06 pound per million Btu of heat input.

b. carbon monoxide (CO)—0.20 pound per million Btu of heat input.

c. sulfur oxides (SO<sub>x</sub>, expressed as SO<sub>2</sub>)—3.63 pounds per hour.

d. particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>)—1.53 pound per hour.

e. non-methane organic compounds (NMOC)—0.47 pound per hour.

2. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, Control Device C101 associated with Source P101 shall reduce the non-methane organic compound emissions by 98% or greater or reduce the outlet non-methane organic compound concentration to not equal or exceed 20 parts per million, by volume, dry basis (ppmdv) at 3% oxygen.

3. Pursuant to the BAT, there shall be no visible emissions from Control Device C101 associated with Source P101, except for periods during startup and shut down not to exceed 10% opacity for a period or periods aggregating more than three minutes in any 1 hour.

4. Pursuant to the BAT, Control Device C101 shall be equipped with a propane enrichment system to allow propane fuel to be bled into the landfill gas.

5. Pursuant to the BAT, the combustion chamber temperature of Control Device C101 shall not be less than 1,600°F, at any time.

6. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, Control Device C101 associated with Source P101 shall maintain, for each 3-hour period of operation based on rolling hourly data, an average combustion temperature of no more than 28°C (82°F) below the average combustion temperature.

7. Pursuant to the BAT, the residence time of the air contaminants in the combustion chamber of Control Device C101 shall not be less than 1.13 second.

8. Pursuant to BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, Control Device C101 shall be equipped with instrumentation to continuously monitor and record the combustion temperature and having a minimum accuracy of +/- one (1.0) percent of the temperature being monitored.

9. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, Control Device C101 shall be equipped with instrumentation to continuously monitor the gas flow to the flare and record the flow once every 15 minutes.

10. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, Control Device C101 shall be equipped with a bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visible inspection of the seal or closure mechanism shall be performed at least once per month to ensure the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

11. Pursuant to the BAT, the piping incorporated in the landfill gas collection system incorporated in Source P101 shall be sized to accommodate the maximum gas generation rate to be associated with the respective field(s). The

gas collection rate shall at no time be less than the gas generation rate of the respective field.

12. Pursuant to the BAT, the horizontal collection lines in the landfill gas collection system incorporated in Source P101 shall be located no more than 150 feet apart laterally and 50 feet apart vertically. The vertical well spacing in the landfill gas collection system incorporated in Source P101 shall not exceed a lateral spacings of 215 feet unless otherwise demonstrated as acceptable pursuant to the methods outlined in Appendix E of 40 CFR Part 60 Subpart WWW.

13. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, Control Device C101 shall be equipped with an automatic pilot ignition system that utilizes propane as a separate fuel source which ensures complete and immediate combustion of the landfill gas.

14. Pursuant to the BAT, Control Device C101 shall be equipped with an ultraviolet scanner with controller to confirm that a flame is present anytime that landfill gas is present.

15. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, the landfill gas collection system shall be operated so that the methane concentration is less than 500 parts per million above background at the surface of the landfill.

16. Pursuant to the BAT and 40 CFR Part 60 Subpart XXX Sections 60.760—60.769, each well associated with the gas collection system incorporated in Source P101 shall be installed no later than 60 days after the date on which the initial solid waste has been in place.

17. Pursuant to the BAT, gas collection and destruction (enclosed flare, C101) in a field incorporated in Source P101 shall commence no later than two (2) years after refuse has first been deposited within that field. At that time all wells within the field shall be tied into the gas collection system associated with Source P101. No gas well shall be vented directly to the atmosphere from a field at any time after gas collection is required to commence.

18. Pursuant to 25 Pa. Code § 123.31, The permittee shall not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

19. Pursuant to the BAT, Control Device C101 shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flame-out occurs. During restart or start-up, there should be sufficient flow of auxiliary fuel to the burners such that unburned landfill gases are not emitted to the atmosphere.

20. Pursuant to the BAT, Control Device C101 shall be designed such that there are no visible flames beyond the flare shroud during normal operation.

21. The permittee shall keep records of the following information for a minimum of five (5) years:

a. The total emissions and supporting calculations of nitrogen oxides, carbon monoxides, sulfur oxides, particulate matter and non-methane organic compounds from Control Device C101 on a monthly basis to verify compliance with the respective annual emission limits.

b. The combustion temperature of Control Device C101 on a continuous basis.

22. The permittee shall perform nitrogen oxide, carbon monoxide and non-methane organic compound stack tests upon Control Device C101 associated with Source P101 within 120 days from the initial operation to verify compliance with the emission limits for nitrogen oxide, carbon monoxide and non-methane hydrocarbon emissions from Control Device C101 associated with Source P101.

a. The performance test shall consist of three (3) separate test runs and each run shall last at least one (1) hour in duration.

b. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Control Device C101 is operating at maximum normal operating conditions.

23. The permittee shall submit a plan approval application for the installation of another enclosed flare (control device) to control the higher landfill gas flow rates once the actual LFG flow rate equals 2,750 cfm.

24. Pursuant to the BAT, all leachate generated at the facility shall be treated in Source P103.

25. Pursuant to the BAT, the ammonia emissions from the Source P103 shall not exceed 0.30 ton in any 12 consecutive month period.

26. Pursuant to BAT, an operable water truck equipped with a pressurized spray mechanism shall be kept on-site and filled with water at all times (except when refilling the truck) and shall be used for the prevention and control of fugitive air contaminant emissions from site haul roads and construction/operation activities associated with the landfill. The permittee shall water each site haul road and construction/operation area at the facility when the facility is in operation at least every two hours during months of June through September and at least twice per day during rest of the calendar year. The permittee is not required to water each site haul road and construction/operation area at the facility if the ground is frozen or freezing rain has fallen during the day. If at any time the fugitive dust emissions exceed the limitations of 25 Pa. Code § 123.1, the permittee shall take such control measures as are necessary to reduce the air contaminant emissions to within the acceptable limits.

27. The permittee shall implement any effective winterization measure necessary to render the water truck capable of use under all weather conditions.

28. Pursuant to the BAT, all loaded trucks entering or exiting the facility via public roadways shall have the truck beds completely tarped or otherwise covered. The permittee shall post easily visible signs explaining the previously listed requirement on the facility access road and elsewhere within the facility, as appropriate.

29. Pursuant to the BAT, the permittee shall post speed limit signs indicating the speed limit on paved roads to be 15 MPH and unpaved roads to be 10 MPH for the prevention and control of fugitive air contaminant emissions from site haul roads.

30. Pursuant to the BAT, the permittee shall maintain a permanent truck wash station, which all vehicles must pass through prior to exiting the facility property. Tires and undercarriage of each vehicle shall be washed as needed to prevent carry out of mud and dirt from the facility onto public roadways.

Source P101 is subject to the requirements of 40 CFR Part 60 Subpart XXX Sections 60.760—60.769. The per-



mittee shall comply with all applicable requirements of 40 CFR Sections 60.760—60.769.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-0550. An electronic copy of the proposed plan approval can be accessed at the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) and then by following these menu selections: DEP > About DEP > Regional Resources > Northcentral Regional Office > Community Information > Camp Hope Run Landfill. Written comments on the proposed plan approval or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

### OPERATING PERMITS

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

*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.*

**05-05022: Bedford Reinforced Plastics** (264 Reynoldsdale Road, Bedford, PA 15522) to issue a Title V Operating Permit renewal for the fiberglass pultrusion operation at the Bedford plant located in East Saint Clair Township, **Bedford County**. The actual 2018 emissions from the facility were 7.18 tons of VOCs and 7.18 tons of a single HAP. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart WWWW for reinforced plastic composites production.

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.*

**03-00027: Keystone-Conemaugh Projects, LLC** (175 Cornell Road, Suite 1, Blairsville, PA 15717). The Department intends to issue a renewal of the Title V Operating Permit for the operation of the electrical generation facility in Plum Creek Township, **Indiana County**.

The facility's major emission sources include two tangential pulverized coal-fired (PC) boilers, each with nominal maximum heat inputs of 8,717 MMBtu/hr, two 138 MMBtu/hour auxiliary boilers, four 3,600 bhp peaking diesel electrical generators, emergency diesel engines and fire pumps, coal handling, ash disposal, limestone and gypsum operations, plant haul roads, cooling towers, miscellaneous propane heaters and sorbent handling and storage. The facility reported actual emissions in TPY for 2018 as: 6,399.29 NO<sub>x</sub>, 4,911.85 CO, 23,950.58 SO<sub>x</sub>, 298.2 PM, 664.6 PM<sub>10</sub>, 33.36 VOC, 19.8 HAPs, and 12,680,778.06 CO<sub>2</sub>. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code

Chapter 127, Subchapter G. The facility is subject to the New Source Performance Standards for Nonmetallic Mineral Processing Plants (Subpart OOO) and Stationary Compression Ignition Internal Combustion Engines (Subpart IIII); the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Subpart ZZZZ), Industrial, Commercial, and Institutional Boilers and Process Heaters (Subpart DDDDD) and Coal and Oil Fired Electric Steam Utility Steam Generating Units (Subpart UUUUU); and the Cross State Air Pollution Rule (CASPR) for NO<sub>x</sub> Annual Trading Program (Subparts AAAAA), SO<sub>2</sub> Group 1 Trading Program (Subpart CCCCC), and NO<sub>x</sub> Ozone Season Group 2 Trading Program (Subpart EEEEE). The renewal permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00142: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041), for the renewal of a State Only, Natural Minor Operating Permit Renewal in East Greenville Borough, **Montgomery County**. The permit is for a non-Title V (State Only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore, the facility is a Natural Minor. The company provides customized grinding, milling, blending, and drying services of various mineral products. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The renewed permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

*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.*

**34-03007: Dominion Energy Transmission, Inc.** (500 Dominion Blvd., Glenn Allen, VA 23060) for the operation of a natural gas compressor station facility in Lack Township, Juniata County. This is for renewal of the existing State-Only Permit. The actual 2018 emissions were 0.01 tpy PM<sub>10</sub>, 0.01 tpy PM<sub>2.5</sub>, 1.19 tpy NO<sub>x</sub>, 0.50 tpy CO, 3.03 tpy VOC, and 0.03 tpy SO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**19-00014: Hanson Aggregates PA, LLC** (7660 Imperial Way, Allentown, PA 18195) to issue a renewal State Only Operating Permit for the Bloomsburg Quarry located in Hemlock Township, **Columbia County**. The

facility is currently operating under State Only Operating Permit 19-00014. The facility's sources include a non-metallic mineral crushing plant consisting of multiple crushers, conveyors and screens, one cold cleaning degreaser, 2.3 miles of onsite unpaved haul roads and a miscellaneous heater, engine and storage tanks. The facility has potential emissions of 6.12 TPY of CO; 9.71 TPY of NO<sub>x</sub>; 0.55 TPY of SO<sub>x</sub>; 17.54 TPY of PM/PM<sub>10</sub>; 13.22 TPY of VOCs; 6.74 TPY of combined hazardous air pollutants; 946 TPY GHGs. One crusher at this plant is subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The emission limits and work practice standards along with testing, monitoring, record keeping, and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**59-00027: UGI Storage Company** (1 Meridian Blvd, Suite 2C01, Wyomissing, PA 19610) to issue a renewal State Only Operating Permit for their Palmer Compressor Station located in Farmington Township, **Tioga County**. The facility is currently operating under State Only Operating Permit 59-00027. The facility's main sources include three natural gas-fired compressor engines and one diesel fired emergency generator. The facility has potential emissions of 23.4 tons per year (tpy) of NO<sub>x</sub>, 7.4 tpy of CO, 1.6 tpy of PM, 7.7 tpy of VOCs, 0.2 tpy of SO<sub>x</sub>, 4.0 tpy of HAPs, and 24,134 tpy of GHGs. No emission or equipment changes are being proposed by this action. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**63-00990: Donora Dock, LLC** (1501 Ligonier St, Latrobe, PA 15650). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of its intent to issue a natural minor State Only Operating Permit for the operation of a coal and pet coke transfer facility located in Carroll Township, **Washington County**.

Operations at the facility include the offloading of clean bituminous coal and pet coke by barge and truck. Activities consist of loading/unloading, transfer, blending, stockpiling, hauling, and trans-loading of up to 2.6 million tons

of material per year. Potential emissions from this facility are estimated at 44.49 tons of PM<sub>10</sub> per year of fugitive emissions.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The proposed operating permit includes emission and throughput limitations, monitoring, work practice, reporting, and recordkeeping requirements for the facility.

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

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 63-00990) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**32-00424: Rosebud Mining Company Brush Valley Plant** (301 Market Street, Kittanning, PA 16201). The Department intends to issue a renewal of the State Only Operating Permit for operating of a coal preparation plant located in Center Township, **Indiana County**. The subject facility consists of a raw coal mine belt, a raw coal radial stacker, a double deck screen, a fine coal radial stacker, middling and oversize coal belts, numerous storage piles, propane heater and three emergency generators. Emissions from the facility are based on the coal throughput limit of 1,000,000 tpy, 500 hours for each emergency generator, and AP-42 emission factors. The facility has the potential to emit 66.94 TPY PM, 9.44 TPY NO<sub>x</sub>, 3.28 TPY NO<sub>x</sub> + HC, 3.27 TPY CO, 3.27 TPY SO<sub>x</sub>, and 1.22 TPY VOC. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart Y and IIII). The renewal permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit for the following facility:

**OP19-000014: The Sterling Apartments** (1815 JFK Blvd, Philadelphia, PA 19103) for the operation of a commercial and residential condominium in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas each rated less than 2 MMBtu/hr, six (6) boilers firing natural gas and/or No. 2 fuel oil rated at 3 MMBtu/each, one emergency generator firing diesel fuel rated at 896 HP, and three (3) cogen units firing natural gas rated at 100 HP each.

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.

#### PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Medico Industries** (1500 Highway 315, Wilkes-Barre, PA 18702) for their facility located in Plains Twp., **Luzerne County**. This **Plan Approval No. 40-00136B** will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00136B is for the installation of a two Wet Paint Line with filters and curing ovens and a descaling operation with baghouse. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.02 grain/dscf from the baghouse. The company shall be subject to and comply with 25 Pa. Code § 129.52 for VOC emission limits. Total HAP emissions from the

facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Emissions from the lines will be controlled by the use of a dry filters and curing oven. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00136B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

#### COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public

hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <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.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**Government Financed Construction Contract (GFCC) No. 17-19-01 and General NPDES No. PAG02231719-001, Swisher Contracting, Inc.**, P.O. Box 1223, Clearfield, PA 16830, new GFCC contract for reclaiming abandoned mine land in Girard Township, **Clearfield County** affecting 12.9 acres. Receiving stream(s): Unnamed Tributaries to the West Branch of the Susquehanna River, classified for the following use(s): CWF. West Branch Susquehanna River Watershed TMDL. There are no potable water supply intakes within 10 miles downstream. Application received: February 3, 2020.

*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Cayleigh Boniger).*

**43080302. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125). Renewal of NPDES Permit No. PA0258580 in Hempfield Township, **Mercer County**. Receiving streams: Unnamed tributaries to the Shenango River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 13, 2020.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**59050301 and NPDES PA0256170. Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803, renewal for an existing NPDES on a large noncoal surface mining site located in Lawrence Township, **Tioga County** affecting 44.49 acres. Receiving stream(s): Tioga River and Mutton Creek classified for the following use(s): WWF. Application received: February 18, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 58192506 and NPDES Permit No. PA0226076. Celso F. Avila** (684 Warner Road, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Bridgewater Township, **Susquehanna County** affecting 10.5 acres, receiving stream: unnamed tributary to Fall Brook/Snake Creek Watershed, classified for the following uses: cold water fishes, migratory fishes and exceptional value waters—cold water fishes and migratory fishes. Application received: October 29, 2019.

*Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**NPDES No. PA024256 (Mining Permit No. 30861601). Coresco, LLC**, 966 Crafts Run Road, Madsville, WV 26541, a renewal to the NPDES and mining activity permit for Dunkard Preparation Plant in Monongahela Township, **Greene County**, affecting 34.7 surface acres. Receiving stream(s): Monongahela River classified for the following use(s): WWF. TMDL. The application was considered administratively complete: January 15, 2019. Application received: December 22, 2017.

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: Monongahela River*

The proposed effluent limits for *Outfall 001* (Lat: 39° 46' 50" Long: 79° 56' 09") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 002 discharges to: Monongahela River*

The proposed effluent limits for *Outfall 002* (Lat: 39° 46' 51" Long: 79° 56' 09") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
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	-	-	REPORT
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 003 discharges to: Monongahela River*

The proposed effluent limits for *Outfall 003* (Lat: 39° 46' 54" Long: 79° 56' 08") 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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 004* discharges to: Monongahela River

The proposed effluent limits for *Outfall 004* (Lat: 39° 46' 56" Long: 79° 56' 08") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 005* discharges to: UNT A to Monongahela River

The proposed effluent limits for *Outfall 005* (Lat: 39° 46' 47" Long: 79° 56' 18") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
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	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

EPA waiver is not in effect.

#### *Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**NPDES No. PA0121126 (Mining Permit No. 5074SM3), New Enterprise Stone & Lime Company, Inc.**, 3912 Brumbaugh Road, P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for a noncoal surface mine in Greene Township, **Franklin County**, affecting 256.1 acres. Receiving stream(s): unnamed tributary to/and Conococheague Creek, classified for the following use(s): CWF. Application received: January 2, 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 outfall discharges to Conococheague Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond	N

The following outfall discharges to unnamed tributary to Conococheague Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002—Sediment Pond	N

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

<i>Outfalls: 001 and 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron	3.0	6.0	7.0
Total Manganese	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Average Discharge Rate	1.0 MGD		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**NPDES Permit No. PA0612308 on Surface Mining Permit No. 7475SM3. Keystone Cement Company** (P.O. Box A, Bath, PA 18014), modification of an NPDES Permit for a limestone quarry operation in East Allen Township, **Northampton County**, affecting 581.0 acres. Receiving stream: Monocacy Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: August 15, 2018.

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

The following outfalls discharge to Monocacy Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	No	Groundwater Sumps
002	No	Groundwater Sumps
004	No	Groundwater Sumps

<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.
001 Discharge MGD		4.0	4.0	
002 Discharge MGD		3.0	3.0	
004 Discharge MGD		12.0	14.7	

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

\*Total combined discharge from 001, 002 and 004 will not exceed 16.5 MGD.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in

writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

*Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.*

**Permit No. E2301220-001, Alliance Partners HSP, LLC**, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the Alliance Eddystone Warehouse Development. The proposed project consists of the installation of two stormwater outfalls in the Delaware River (WWF, MF) and permanent floodplain impact. There are no impacts in wetlands.

The site is approximately at 1500 East 2nd Street in Eddystone (Bridgeport, NJ-PA Lat. 30° 51' 19"; Long. -75° 20' 01") Eddystone Borough, Delaware County.

**Permit No. E5101220-021, Beach Street Developer, LLC**, 2337 Philmont Avenue, Huntingdon Valley, PA 19006, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

Beach Street Developer, LLC is proposing to redevelop a previously filled vacant waterfront site and is proposing to construct and maintain 1,096 residential units, 17,279 square feet of retail space, and a waterfront walkway with a portion of the project located within the floodway and floodplain of the Delaware River (WWF-MF) and waterward of the 1894 Bulkhead Line. This activity will result in 0.50 acre of permanent floodway impact and 8.46 acres of regulated activity waterward of the 1894 Bulkhead Line due to grading and construction. This project is located at Piers 79 through 86 North, formerly home of Cramp Shipyard, at 2001 Beach Street in the Olde Richmond section of Philadelphia (USGS NJ Camden Quadrangle—Latitude 39.971237 N, Longitude 75.117208 W).

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E26052-387, Heartland Fabrication, LLC**, 1800 Paul Thomas Blvd., Brownsville, PA 15417, Luzerne Township and Brownsville Borough, **Fayette County**; Pittsburgh ACOE District.

The applicant proposes to:

Operate and maintain the following existing structures:

1. Steel/Pipe tri-tie mooring structure that has a base of 8 feet by 15 feet.
2. Concrete high wall that is 309 feet long, 40 feet high, and 5 feet wide.
3. Timber Pile tri-tie mooring structure that has a base of 15 feet by 15 feet.
4. Steel/Concrete deploying rails that are 139 feet long by 89 feet wide.
5. Steel/Concrete recovery/deploying rails that are 272 feet long by 67 feet wide.
6. Fixed Stiff-leg crane with a base of 14 feet by 13 feet.
7. Steel floating/pile dock that is 459 feet long by 27 feet wide.
8. Steel/Pipe tri-tie mooring structure that is 8 feet by 15 feet.
9. Three Steel/Aggregate round cell Ice-Breakers with a diameter of 22 feet—9 inches.

10. Four Steel/Aggregate round cell Mooring structures with a diameter of 15 feet—6 inches.

Perpetually conduct maintenance dredging activities at the following locations:

1. 40 feet by 400 feet (0.37 acre) area in front of the existing concrete highwall.
2. 40 feet by 200 feet (0.18 acre) area directly in front of the existing Steel/Concrete deploying rails.
3. 40 feet by 200 feet (0.18 acre) area directly in front of the existing Steel/Concrete recovery/deploying rails.
4. 40 feet by 460 feet (0.43 acre) area in front of the existing steel floating/pile dock.
5. 40 feet by 200 feet (0.18 acre) area directly downriver from three existing steel/aggregate round cell Ice-Breakers.

For the purpose of operating and maintaining an existing barge maintenance and manufacturing facility along the right descending bank of the Monongahela River at Mile Point 57.2 and 58.0. The project site is located at 1800 Paul Thomas Boulevard, Brownsville, PA 15417 (California, USGS topographic quadrangle; N: 40°, 01', 7.72"; W: -79°, 54', 55.11"; Sub-basin 19C; USACE Pittsburgh District), in Brownsville Borough and Luzerne Township, Fayette County. Perpetual maintenance dredging will impact 1.34 total acre on the Monongahela River.

**E6505220-001, Unity Township**, 154 Beatty County Road, Latrobe, PA 15650, Unity Township, **Westmoreland County**; ACOE Pittsburgh District.

To remove a floodplain obstruction within a FEMA defined floodway of Loyalhanna Creek (WWF) in accordance with 25 Pa. Code Chapter 106. The project site is located at 122 Newmeyer Lane, Latrobe, PA 15650 (Derry, PA USGS topographic quadrangle; N: 40° 17' 25.1808", W: -79° 22' 3.580"; Sub-basin) in Unity Township, Westmoreland County.

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

**E1006220-001, Seneca Valley School District**, 124 Seneca School Road, Harmony, PA 16037. Seneca Valley School District K-4/5-6, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 44', 28"; W: -80°, 06', 16").

To conduct activities associated with constructing a new elementary school and required infrastructure on a 153-acre site in Cranberry Township, Butler County including permanent impacts to 0.16 acre of PEM wetlands and two improved crossing over UNTs to Brush creek permanently impacting a total 277 linear feet. Applicant proposes to buy 0.16 mitigation credits to account for impacts to PEM wetlands.

**E1006220-003, Butler County Planning Commission**, 124 West Diamond St, P.O. Box 1208, Butler, PA 16003. Hemphill Bridge T-570 over Gold Scheitter Creek, in Clinton, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 40°, 40', 59.60"; W: 79°, 47', 27.4").

To conduct the following activities associated with the reconstruction of a portion of Goldscheitter Road approximately 0.75 mile North on Goldscheitter Road from its intersection with Lardintown Rd:



1. To remove the remaining portions of the decapitated Hemphill Bridge which is currently closed on Goldscheiter Road spanning Gold Scheitter Creek.

2. To install and maintain a new single-span aluminum box culvert with a 25 feet-5 inches span, 10 feet -2 inches rise, skew of 60° 0' 0", and waterway opening of approximately 159.87 square feet.

3. To remove the existing upstream 30 inch RCP culvert over a UNT to Gold Scheitter Creek carrying Goldscheiter Road approximately 300 feet North of the Hemphill Bridge.

4. To install and maintain an aluminum box culvert with a 9 feet -2 inch span, 3 feet -3 inch rise, skew of 51° 41' 28", and overall waterway opening of approximately 159.87 square feet.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E4129-135: ARD Operating, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Brooks to

Plants LP Gathering Pipeline in Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain approximately 1.1-mile (5,575 LF) of one (1) 8-inch diameter flex steel natural gas pipeline in Cascade Township, Lycoming County. The pipeline will be placed via open cut trenching within the proposed 50 ft ROW. The purpose of this project is to provide a conveyance of low-pressure natural gas between the existing Frymire, McNamee & Nelson pipeline along Kellyburg Road & Plants Evergreen Farms Pad A.

The project will result in a total of 66 LF (125 SF) of permanent and 348 LF (1,984 SF) of temporary stream impacts, 1,612 SF (0.0370 acre) of permanent and 22,687 SF (5,208 acres) of temporary floodway impacts and 299 SF (0.0069 acre) of permanent and 3,184 SF (0.0731 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus well development.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Munic. Quadrangle</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
West Branch Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	24	895	23	69	41.442758° 76.868804°
UNT 1—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	49	252	6	18	41.440679° 76.869084°
UNT 2—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	24	199	8	24	41.440660° 76.869084°
UNT 5—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	136	371			41.440276° 76.869407°
UNT 6—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	64	128			41.440106° 76.869799°
UNT 7—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	51	139	29	14	41.439940° 76.869977°
<i>TOTAL IMPACTS</i>					348	1,984	66	125	
<i>TOTAL STREAM IMPACTS</i>					73	1,147	29	87	
<i>TOTAL WAIVER 2 IMPACTS</i>					275	837	37	38	

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Munic. Quadrangle</i>	<i>Activity</i>	<i>Cowardin Class</i>	<i>Listed Trout</i>	<i>Total Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Total Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 1	Cascade Barbours	8-inch Pipeline Temp. Workspace	PEM; EV	Wild	68	863	49	151	41.443784° 76.868022°
Wetland 2	Cascade Barbours	8-inch Pipeline Temp. Workspace	PEM; EV	Wild	34	552	12	35	41.442916° 76.868660°
Wetland 4	Cascade Barbours	8-inch Pipeline Temp. Workspace	PEM; EV	Wild	75	1,397	33	75	41.441071° 76.869020°
Wetland 5	Cascade Barbours	8-inch Pipeline Temp. Workspace	PEM; EV	Wild	30	372	13	38	41.439921° 76.870006°
<b>TOTAL IMPACTS</b>					207	3,184	107	299	
<i>PEM</i>					207	3,184	107	299	
<i>PSS</i>									
<i>PFO</i>									

**Floodway Impact Table:**

<i>Resource Name</i>	<i>Munic. Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
West Branch Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	100	4,369	100	324	41.442758° 76.868804°
UNT 1—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	101	4,756	101	283	41.440679° 76.869084°
UNT 2—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	100	1,673	100	77	41.440660° 76.869084°
UNT 5—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	135	5,601	135	503	41.440276° 76.869407°
UNT 6—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	88	4,117	64	272	41.440106° 76.869799°
UNT 7—WB Wallis Run	Cascade Barbours	8-inch Pipeline Temp. Workspace	47	2,171	47	153	41.439940° 76.869977°
<b>TOTAL IMPACTS</b>			571	22,687	547	1,612	

**E4129-116: Pennsylvania General Energy Co., LLC**, 120 Market Street, Warren, PA 16365. Major Modification—Shawnee Pipeline in Plunketts Creek and Upper Fairfield Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain approximately 2.9-miles (15,292 ft) of one (1) 16-inch diameter flex steel natural gas pipeline in Cascade Township, Lycoming County. This project consists of an existing 8-inch natural gas pipeline to be replaced with a new 16-inch natural gas pipeline. The pipeline will be placed via open cut trenching within the existing 35' permanent ROW. The purpose of this project is to provide a conveyance of low-pressure natural gas between the ETP meter site to COP Tract 726 Pad B.

The project will result in a total of 23 LF (86 SF) of permanent and 86 LF (932 SF) of temporary stream impacts, 711 SF (0.0163 acre) of permanent and 13,449 SF (0.3088 acre) of temporary floodway impacts and 275 SF (0.0063 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus well development.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Munic. Quadrangle</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
UNT 4 Kaiser Hollow	Plunketts Crk. Huntersville	16-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	65	405	8	23	41.325149° 76.866827°
Kaiser Hollow	Plunketts Crk. Huntersville	16-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	21	527	15	63	41.328617° 76.863805°
<i>TOTAL IMPACTS</i>					86	932	23	86	
<i>TOTAL STREAM IMPACTS</i>					86	932	23	86	
<i>TOTAL WAIVER 2 IMPACTS</i>									

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Munic. Quadrangle</i>	<i>Activity</i>	<i>Cowardin Class</i>	<i>Listed Trout</i>	<i>Total Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Total Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 3	Plunketts Crk. Huntersville	16-inch Pipeline Temp. Workspace	PEM; EV	Wild	34	275			41.341412° 76.849076°
<i>TOTAL IMPACTS</i>					34	275			
<i>PEM</i>					34	275			
<i>PSS</i>									
<i>PFO</i>									

**Floodway Impact Table:**

<i>Resource Name</i>	<i>Munic. Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
UNT 4 Kaiser Hollow	Plunketts Crk. Huntersville	16-inch Pipeline Temp. Workspace	137	6,911	137	327	41.325149° 76.866827°
Kaiser Hollow	Plunketts Crk. Huntersville	16-inch Pipeline Temp. Workspace	128	6,538	128	384	41.328617° 76.863805°
<i>TOTAL IMPACTS</i>			265	13,449	265	711	

**Permit No. E5829-150, Williams Field Services Company, LLC**, Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275, Natural Gas Pipeline Access Road. Gibson Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) a permanent access road fill impact of 850 square feet (0.02 acre) to an agricultural Palustrine Emergent Wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 45' 12", Longitude: -75° 38' 32").

2) temporary ancillary construction impacts to 376 square feet (0.01 acre) of a Palustrine Emergent Wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 45' 12", Longitude: -75° 38' 32").

The project consists of installing 0.4 mile of permanent access road to provide permanent operational access to the Columbia-Davis Pipelines interconnect valve site in Gibson Township, Susquehanna County. The project will result in 1,226 square feet (0.03 acre) of impacts to a Palustrine Emergent Wetland (PEM) located within agricultural lands.

**ACTIONS**

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

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions.**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0060658 (Sewage)	Aqua Pennsylvania Wastewater, Inc. Washington Park WWTP Debbie Drive Tunkhannock, PA 18657	Wyoming County Washington Township	Unnamed Tributary to Susquehanna River (CWF, MF) (4-G)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0065404-A1 (Sewage)	Stair Property SRSTP 3536 Jacksonville Road Bethlehem, PA 18017	Northampton County Moore Township	Bushkill Creek (HQ-CWF, MF) (01F)	Yes
PA0065501 (Sewage)	Janet Kudla SRSTP 4539 Vera Cruz Road Center Valley, PA 18034	Lehigh County Upper Saucon Township	Unnamed Tributary to Saucon Creek (CWF/MF) (2-C)	Yes
PA0060429 (Sewage)	Camp Speers WWTP 143 Nichecronk Road Dingmans Ferry, PA 18328	Pike County Delaware Township	Dingmans Creek (HQ-CWF/MF) (1-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0261751 (IW)	Kwik Fill S-038 United Refining Company 15 Bradley St Warren, PA 16365-0780	Cumberland County/ Silver Spring Township	Trindle Spring Run (HQ-CWF, MF)/7-B	Yes
PA0260223 (CAFO)	Scott Brinton 323 Riverview Road Peach Bottom, PA 17563-9691	Lancaster County/ Fulton Township	Unnamed Tributary to Puddle Duck Creek and Haines Branch	No
PA0051748 (SEW)	Tulpehocken High School 27 Rehrersburg Road Bethel, PA 19507-9737	Berks County/ Jefferson Township	Unnamed Tributary to Little Northkill Creek (CWF) (3-C)	Yes
PA0030511 (SEW)	Bermudian Springs School District 7335 Carlisle Pike York Springs, PA 17372-0501	Adams County/ Huntington Township	Unnamed Tributary to North Branch Mud Run (WWF) in Watershed(s) 7-F	No
PA0087921 (SEW)	Berwick Twp. 85 Municipal Road Hanover, PA 17331-8992	Adams County/ Berwick Township	Pine Run/7-F	Yes
PA0080039 (SEW)	Carroll Valley Sewer & Water Auth 5685 Fairfield Road Fairfield, PA 17320-9611	Adams County/ Carroll Valley Boro	UNT Tom's Creek/13-D	Yes
PA0083691 (IW)	West Earl Twp. Water Dept 157 West Metzler Road P.O. Box 202 Brownstown, PA 17508	Lancaster County/ West Earl Twp.	UNT Conestoga River/7-J	Yes
PA0081337 (SEW)	Northwood Manor MHP ATG Properties, LLC P.O. Box 677 Morgantown, PA 19543	York County/ Newberry Township	UNT Conewago Creek/ 7-F	Yes
PA0035653 (SEW)	PA DOT 170 Site 3 Rest Area 400 N. Street 6th Floor Harrisburg, PA 17120	Fulton County/ Burch Creek Township	UNT Brush Creek/11-C	Yes
PA0248070 (IW)	Mifflintown Borough Municipal Authority Juniata County P.O. Box 36 Mifflintown, PA 17059-0036	Juniata County/ Milford Township	Dry Swale to the Juniata River (WWF) in Watershed(s)/12-A	Yes
PA0080616 (SEW)	Mountain View MHP Management, LLC 2846 Main Street, Box 12A Morgantown, PA 19543-9490	Adams County/ Reading Township	Conewago Creek (WWF) in Watershed(s) 7-F	Yes

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0276081 (CAFO)	Embrovac LLC 616 Dairy Road Tamaqua, PA 18252	Schuylkill/ West Penn Township	Unnamed Tributary to Middle Creek	No

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0112305 (Sewage)	Wyalusing Municipal Authority Sewer System STP P.O. Box 131 50 Senate Street Wyalusing, PA 18853-0131	Bradford County Wyalusing Borough	Susquehanna River (WWF) (4-D)	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?
PA0272850 (Sewage)	Dornbusch SRSTP 131 Watters Station Road Evans City, PA 16033-9323	Butler County Forward Township	Unnamed Tributary to Breakneck Creek (WWF) (20-C)	Yes
PA0263621 (Sewage)	Field House Restaurant SFTF 911 N Pike Road Cabot, PA 16023-2029	Butler County Jefferson Township	Unnamed Tributary to Thorn Creek (CWF) (20-C)	Yes
PA0210005 (Sewage)	Thomas M Bunk SFTF 608 Sharon Bedford Road West Middlesex, PA 16159-2326	Mercer County Shenango Township	Unnamed Tributary to Little Deer Creek (20-A)	Yes

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

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

**NPDES Permit No. PA0266850**, Stormwater, 4581, **Susquehanna Area Regional Airport Authority, Capital City Airport (CXY)**, 1 Terminal Drive, Suite 300, Middletown, PA 17057.

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

Description of Proposed Action/Activity: Authorization to discharge to Yellow Breeches Creek, Marsh Run, and Susquehanna River in Watersheds 7-E and 7-C.

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

**NPDES Permit No. PA0287920**, Sewage, SIC Code 8800, **Terrance & Winifred Gardner**, 5973 Kuhl Road, Erie, PA 16510.

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

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

**NPDES Permit No. PA0272540**, Sewage, SIC Code 4952, 8800, **Raymond P Stanton**, 2525 Valentine Run Road, Russell, PA 16345.

This proposed facility is located in Farmington Township, **Warren 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.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 4506408 A-3**, Sewage, SIC Code 4952, **Franconia Mennonite Camp Association Inc.**, 5389 Route 447, Canadensis, PA 18325-9795.

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

Description of Proposed Action/Activity: WQM Amendment for the addition of a Suspended Air Flotation System at the existing Wastewater Treatment Plant on SR 0447.

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

**WQM Permit No. 3619405**, Sewerage, **Strasburg Borough Authority**, 145 Precision Avenue, Strasburg, PA 17579-9608.

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

Description of Proposed Action/Activity:

This permit approves the construction/operation of sewage facilities consisting of:

- Installation of two (2) submersible non-clop 35-hp Flygt NP3171 submersible pumps
- Modification of existing wet well # 1 for use as additional wet well storage
- Replacement of wet well # 2 precast lid to accommodate a new waterproof hatch
- Installation of 6" force main to convey flow from the wet well # 2 to the existing 10" cast iron force main
- Demolition of existing steel dry well and all associated components, as well as removal of the existing dry pit pumps
- Installation of a new meter and valve vault with a 6" mag meter
- Installation of a bypass vault with an air release/vacuum valve
- Installation of new control panel with VFDs and a cellular flow monitoring system
- Installation of a new electric service drop and electric meter

**WQM Permit No. WQG02361901**, Sewerage, **Paradise Township Sewer Authority**, 2 Township Drive, P.O. Box 40, Paradise, PA 17562-9608.

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

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of:

- 1 Sewer Extension
- 1 Pump Station

**WQM Permit No. 2173201, A3**, Industrial Waste, **Community Refuse Service, LLC**, 620 Newville Road, Newburg, PA 17240.

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

Description of Proposed Action/Activity: A new moving bed biofilm reactor (MBBR) unit and all other appurtenances.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

**WQM Permit No. 1419403**, Sewage, SIC Code 4952, **PA State University**, 139J Physical Plant Building, University Park, PA 16802.

This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: Replacement of approximately 790 l.f. of 14-inch asbestos concrete sewer with 18-inch ductile iron and PVC sewer.

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

**WQM Permit No. 0219405**, Sewage, SIC Code 4952, **Municipality of Penn Hills**, 102 Duff Road, Penn Hills, PA 15235-3494.

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

Description of Proposed Action/Activity: The applicant proposes to upsize 1,070 L.F. of existing 12-inch diameter vitrified clay pipe sanitary sewers with 18-inch diameter PVC pipe along Lime Hollow Road.

**WQM Permit No. WQG02631901**, Sewage, SIC Code, **Marianna Borough & West Bethlehem Township Joint Sewer Authority Washington County**, P.O. Box 428, Marianna, PA 15345-0428.

This proposed facility is in West Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Installation of a new sewage pump station and force main.

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

**WQM Permit No. 2519419**, Sewage, **Terrance & Winifred Gardner**, 5973 Kuhl Road, Erie, PA 16510.

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

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

**WQM Permit No. 6183401 A-3**, Sewage, **Aqua PA Inc.**, 665 S Dock Street, Sharon, PA 16146.

This existing facility is located in Emlenton Borough, **Venango County**.

Description of Proposed Action/Activity: Addition of Sodium Bisulfite feed equipment for Total Residual Chlorine removal.

**WQM Permit No. 3701402 A-2**, Sewage, **North Beaver Township Municipal Authority Lawrence County**, 861 Mount Jackson Road, New Castle, PA 16102-2415.

This existing facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: Rerate wastewater treatment plant to increase the hydraulic design capacity.

**WQM Permit No. 6219412**, Sewage, **Raymond P Stanton**, 2525 Valentine Run Road, Russell, PA 16345.

This proposed facility is located in Farmington Township, **Warren County**.

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

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

*Northampton County Conservation District, 14 Gracedale Ave, Greystone Building, Nazareth, PA 18064-9211, 610-829-6276.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480113	Kemmerer Corporation c/o Mr. Larry Kemmerer 3220 Valley View Drive Bath, PA 18014	Northampton	Lehigh and Moore Townships	Hokendauqua Creek (CWF, MF); EV Wetlands
PAD480094	Triple Net Investments LII, LLC c/o Mr. Joseph Correia 171 State Route 173 Suite 201 Asbury, NJ 08802-1365	Northampton	Forks Township	UNT to Bushkill Creek (HQ-CWF, MF)

*Wayne Conservation District, 648 Park St, Honesdale, PA 18431, 570-253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640021	E.R. Linde Construction Corporation 239 Golf Hill Road Honesdale, PA 18431	Wayne	Palmyra Township	Middle Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210028 Issued	US Army—Carlisle Barracks Garrison 330 Engineer Avenue Carlisle, PA 17013	Cumberland	North Middleton Township	Letort Spring Run (HQ-CWF, MF)
PAD360020 Issued	Solanco School District 121 South Hess Street Quarryville, PA 17566	Lancaster	Fulton Township	UNT Conowingo Creek (HQ-CWF)
PAD060031 Issued	Hoffman, LLC 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	Berks	Spring Township	Cacoosing Creek (CWF, MF) Wyomissing Creek (HQ-CWF, MF)
PAD670035 Issued	PennDOT Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103	York	Manchester Township	UNT Codorus Creek (WWF)

#### **VII. Approvals to Use NPDES and/or Other General Permits.**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### **List of NPDES and/or Other General Permit Types.**

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities



PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

<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>
PAC400157 Authorization/ Issuance	Kingston Boro Luzerne County	Paul Keating Municipality of Kingston 500 Wyoming Ave Kingston, PA 18704	Susquehanna River (WWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC480032 Authorization/ Issuance	Nazareth Boro Upper Nazareth Twp Northampton County	Morning Star Senior Living Inc. 175 W North St Nazareth, PA 18064	UNT to Shoeneck Creek (WWF, MF)	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC580019 Authorization/ Issuance	Lathrop Twp Hop Bottom Boro Susquehanna County	Susan Hazelton Penndot Engineering Dist 4-0 55 Keystone Industrial Park Dunmore, PA 18512-1540	Martins Creek (CWF, MF)	Susquehanna County Conservation District 89 Industrial Drive Montrose, PA 18801 570-782-2105

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

<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>
PAC010126 Issued	Huntington Township Adams County	Bermudian Springs School District 7335 Carlisle Pike York Springs, PA 17372	Mud Run (WWF) North Branch Mud Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

<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>
PAC010118 Issued	Conewago Township Adams County	Conewago Township 541 Oxford Avenue Hanover, PA 17331-0411	Plum Creek (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC060238 Issued	Centre Townships Berks County	David Good Poultry Operation 385 East Rehrersburg Road Bethel, PA 17507	Plum Creek (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC070070 Issued	Allegheny Township Blair County	FBG Development Associates 5506 6th Avenue, Rear Altoona, PA 16602	Brush Run (WWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210014 Issued	Silver Spring Township Cumberland County	JMM, LP 1040 Spoon Avenue Landisville, PA 17358-1606	UNT Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220204 Issued	Derry Township Dauphin County	Antique Automobile Club of America 501 West Governor Road Hershey, PA 17033	Spring Creek East (WWF) Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC670276 Issued	West Manchester Township York County	Manchester Equities, LP 14000 Horizon Way Suite 100 Mt. Laurel, NJ 08054	UNT Willis Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670375 Issued	Hellam Township York County	Ralph Striebig 5860 River Drive York, PA 17406	Susquehanna River (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670304 Issued	Dover Township York County	Larken Associates 1250 Route 28 Suite 101 Branchburg, NJ 08876	UNT Little Conewago Creek (TSF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670364 Issued	Lower Windsor Township York County	Alison D. & James E. Kundratic 929 East Main Street # 224 Mount Joy, PA 17552	Beaver Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

NOTICES

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*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<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>
PAC490054	Coal Twp, Northumberland Cnty	NDCNC Mountainside Estates LP 2154 Trevorton Road Coal Twp, PA 17866	Shamokin Creek WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
PAC600050	East Buffalo Twp, Union Cnty	Steven Wengerd 4550 West Branch Hwy Lewisburg, PA 17837	UNT to West Branch of Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Daugherty Township	PAC040069	PTV 1076, LLC 400 Penn Center Building 4 Suite 1000 Pittsburgh, PA 15235	UNT to Blockhouse Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Hopewell Township	PAC040065	Bettors Real Estate Holdings, LP 100 Bet-Tech Drive Aliquippa, PA 15001	Ohio River (WWF-N)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Baden Borough	PAC040076	Concordia Lutheran Ministries of Pittsburgh 134 Marwood Road Cabot, PA 16023	UNT to Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Conemaugh Township; Jenner Township; Quemahoning Township	PAC560033	Cambria/Somerset Authority 227 Franklin Street Suite 306 Johnstown, PA 15901	Quemahoning Creek (CWF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 289-4250
South Franklin Township	PAC630122	Redevelopment Authority of the County of Washington 100 West Beau Street Suite 603 Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
Peters Township	PAC630171	Venetia Group, LLC 1425 Washington Road Washington, PA 15301	UNT to Peters Creek (TSF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
Brighton Township DENIED	PAC040059	Dutch Ridge Associates, LP 4533 Dutch Ridge Road Beaver, PA 15009	UNT to South Branch Brady Run (TSF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

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

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
White Township Indiana County	PAC320039 INDIGO Indiana County Transit Authority 1657 Saltsburg Avenue Indiana, PA 15701	UNT McCarthy Run CWF, Stoney Run CWF	Indiana County Conservation District 280 Indian Springs Road Suite 124 Indiana, PA 15701 724-471-4751
Pine Township Mercer County	PAC430041 1687 W Main Realty LLC 1706 State Route 58 Grove City, PA 16127	Unnamed tributary of Barmore Run	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242

*General Permit Type—PAG-03*

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

<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>
PAG033619 ISSUE	West Donegal Township Lancaster County	Graybill Processing LLC 389 Heisey Quarry Road Elizabethtown, PA 17022-9760	Unnamed Tributary of Donegal Creek (CWF, MF) in Watershed(s) 7-G	CW, Program Kelly Rathfon 717-705-4800
PAG033621 ISSUE	West Donegal Township Lancaster County	LCL Bulk Transport Inc. 8001 N Wisconsin Street Elkhorn, WI 53121	Unnamed Tributary to Conewago Creek (TSF, MF) in Watershed(s) 7-G	CW, Program Kelly Rathfon 717-705-4800
PAG033618 ISSUE	Penn Township Lancaster County	Lancaster Direct LLC 74 Maple Street Stoughton, MA 02072-1106	Chiques Creek (WWF, MF) in Watershed(s) 7-G	CW, Program Kelly Rathfon 717-705-4800
PAG033620 ISSUE	Tyrone Township Adams County	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325	Unnamed Tributary to Conewago Creek (WWF, MF) in Watershed(s) 7-F	CW, Program Kelly Rathfon 717-705-4800

*General Permit Type—PAG-08*

<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>
Williamsburg Wastewater Treatment Plant 826 Recreation Dr Williamsburg, PA 16693 Catherine Township/ Blair County	PAG-08-3545	Williamsburg Municipal Authority 305 East 2nd St Williamsburg, PA 16693	Williamsburg Wastewater Treatment Plant 826 Recreation Drive Williamsburg, PA 16693	Southcentral Region— Clean Water 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-09*

<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>
Superior Septic Service, Inc. dba Rosenberry's Septic Service 8885 Pineville Rd. Shippensburg, PA 17257 Southampton Township Franklin County	PAG-09-3532T	Superior Septic Service, Inc. dba Rosenberry's Septic Service 8885 Pineville Rd. Shippensburg, PA 17257	Superior Septic Service, Inc. dba Rosenberry's Septic Service 8885 Pineville Rd. Shippensburg, PA 17257	DEP—SCRO— Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*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>
PAG136246	City of Greensburg South Greensburg Borough Southwest Greensburg Borough Greater Greensburg Sewage Authority Westmoreland County	Greensburg Joint Client 416 South Main Street Greensburg, PA 15601	Unnamed Tributary to Jacks Run (WWF), Zellers Run (WWF), Slate Creek (WWF), Jacks Run (WWF), and Coal Tar Run (WWF)—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

**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).**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.*

**Operations Permit # 1518523** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID No. 1460073**, East Whiteland Township, **Chester County** on February 12, 2020 for the operation of King Road Booster Pump Station facilities approved under construction permit # 1518523.

**Operations Permit # 5120501** issued to **Philadelphia Water Department**, 1101 Market Street, Philadelphia, PA 19107-2994, **PWS ID No. 1510001**, City of Philadelphia, **Philadelphia County** on February 12, 2020 for the operation of use of an alternative method for reporting of combined filter effluent turbidity at the Belmont and Queen Lane Plants facilities approved under construction permit # 512501.

**Operations Permit # 4620506** issued to: **Borough of East Greenville**, 206 Main Street, East Greenville, PA 18041, **PWS ID No. 1460023**, Upper Hanover Township, **Montgomery County** on February 12, 2020 for the operation of use of flow weighted average individual filter effluent turbidity for reporting of combined filter effluent turbidity facilities approved under construction permit # 4620506.

**Operations Permit # 1519538** issued to: **Our Lady of Consolation Church**, 603 West Second Avenue,

Parkesburg, PA 19365, **PWS ID No. 1150712**, Sadsbury Township, **Chester County** on February 20, 2020 for the operation of the water system with calcium carbonate pH adjustment located after all other treatment facilities approved under construction permit # 1519538.

**Permit No. 0920503**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 18055

Township Lower Makefield

County **Bucks**

Type of Facility PWS

Consulting Engineer Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 18055

Permit to Construct Issued February 13, 2020

**Permit No. 4620502**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Upper Providence

County **Montgomery**

Type of Facility PWS

Consulting Engineer Aqua Pennsylvania, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Permit to Construct Issued February 12, 2020

**Permit No. 1519522**, Public Water Supply.

Applicant **Triple Fresh, Inc.**  
801 Doe Run Road  
East Fallowfield, PA 19320

Township East Fallowfield

County **Chester**

Type of Facility PWS

Consulting Engineer Spotts, Stevens and McCoy  
701 Creekside Lane  
Lititz, PA 17543

Permit to Construct Issued February 20, 2020

*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. 2580015**, Public Water Supply.

Applicant **Lazy Brook Mobil Home Park**  
109 Lincoln Avenue  
Montrose, PA 18801

Township or Borough Liberty Township  
**Susquehanna County**

Responsible Official Sharad Homily  
109 Lincoln Avenue  
Montrose, PA 18801

Type of Facility Public Water Supply

Consulting Engineer Michele A. Aukerman, PE  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit Issued Date January 22, 2020

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

**Permit No. 0105506**, Public Water Supply.

Applicant **Greater Gettysburg Development Co., LLC**

Municipality Straban Township

County **Adams**

Responsible Official Richard A. Klein  
601 Mason Dixon Road  
Gettysburg, PA 17325

Type of Facility Construction of a new community water system to be known as "Gettysburg Commons" with 4 wells and associated treatment.  
Time extension: 2-15-08  
Time extension: 2-25-09  
Part Op: 2-12-20

Consulting Engineer Richard M. Bodner, P.E.  
Martin and Martin, Inc.  
37 S Main Street  
Chambersburg, PA 17201

Permit to Construct Issued March 13, 2006

**Permit No. 2219510 MA, Minor Amendment**, Public Water Supply.

Applicant **SUEZ Water Pennsylvania Inc.**

Municipality Lower Swatara Township

County **Dauphin**

Responsible Official John D. Hollenbach, General Manager  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Type of Facility Repainting of the Spring Garden finished water storage tank.

Consulting Engineer Brendan West, P.E.  
Suez Water Pennsylvania Inc.  
6310 Allentown Blvd  
Harrisburg, PA 17112

Permit to Construct Issued February 21, 2020

**Permit No. 0619513**, Public Water Supply.

Applicant **Speedway, LLC**

Municipality Richmond Township

County **Berks**

Responsible Official Scott Fleming, Manager—  
Environmental Compliance  
500 Speedway Drive  
Enon, OH 45323

Type of Facility Construction of a new nitrate treatment system and the replacement of an existing softener.

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401

Permit to Construct Issued February 21, 2020

**Permit No. 5019507 MA, Minor Amendment, Public Water Supply.**

Applicant **Orchard Hills Management LLC**

Municipality Carroll Township

County **Perry**

Responsible Official James Perano, COO  
501 Windy Hill Road  
Shermansdale, PA 17090

Type of Facility 25,000-gallon treated water standpipe.

Consulting Engineer James A. Cieri Sr, P.E.  
James A. Cieri  
Professional Engineer LLC  
914 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued February 12, 2020

**Permit No. 0619509, Public Water Supply.**

Applicant **Econo Lodge—Douglassville**

Municipality Amity Township

County **Berks**

Responsible Official Bela Laliwala  
General Manager  
387 Benjamin Franklin Highway  
Douglassville, PA 19518

Type of Facility Installation of a new sodium hypochlorite disinfection system and multiple contact tanks to provide 4-log inactivation of viruses at Entry Point No. 101. The permittee will also replace the existing softener and bladder tank and will remove the existing UV disinfection units.

Consulting Engineer John D. Brady, P.E.  
Entech Engineering Inc.  
201 Penn Street  
Reading, PA 19601

Permit to Construct Issued February 21, 2020

**Permit No. 3619517, Public Water Supply.**

Applicant **Quarryville Borough Authority**

Municipality Quarryville Borough

County **Lancaster**

Responsible Official John Chase  
Authority Chairman  
300 St. Catherine Street  
Quarryville, PA 17566

Type of Facility Removal of system fluoridation

Consulting Engineer Bryan Panther, P.E.  
ARRO Consulting Inc  
108 West Airport Road  
Lititz, PA 17543

Permit to Construct Issued February 6, 2020

**Operation Permit No. 0106507 MA** issued to: **Greater Gettysburg Land Development Co (PWS ID No. 7010066)**, Straban Township, **Adams County** on February 12, 2020 for facilities approved under Construction Permit No. 0106507 MA.

**Operation Permit No. 5019504** issued to: **Duncannon Borough (PWS ID No. 7500019)**, Duncannon Borough, **Perry County** on February 6, 2020 for facilities approved under Construction Permit No. 5019504.

**Transferred Comprehensive Operation Permit No. 7670123** issued to: **Country View Manor Community LLC (PWS ID No. 7670123)**, Washington Township, **York County** on February 6, 2020. Action is for a Change in Ownership for Country View Mobile Home Park, York County for the operation of facilities previously issued to Country View Manor Community LLC.

**Transferred Comprehensive Operation Permit No. 7360038** issued to: **Elam S. Shirk (PWS ID No. 7360038)**, West Earl Township, **Lancaster County** on February 21, 2020. Action is for a Change in Ownership for Dutch Mobile Home Park, Lancaster County for the operation of facilities previously issued to Martin Buckwalter.

**Operation Permit No. 3619513 MA** issued to: **City of Lancaster—Bureau of Water (PWS ID No. 7360058)**, West Hempfield Township, **Lancaster County** on February 7, 2020 for facilities submitted under Application No. 3619513 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Operations Permit** issued to: **College Township Water Authority, PWSID No. 4140082**, College Township, **Centre County** on February 19, 2020 for the operation of facilities approved under construction permit # MA (2010)-A1. Authorized emergency designation of the existing Pennsylvania State University Interconnection.

**Permit No. 4919506.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—East Cameron Township Water System**

Borough or Township East Cameron Township

County **Northumberland**

Type of Facility Public Water Supply—Construction

Consulting Engineer Aqua Pennsylvania, Inc.  
East Cameron Township Water System  
762 West Lancaster Avenue  
Montgomery-Lower Merion Township, PA 19010

Permit Issued February 20, 2020

<b>Permit No. 4920501MA, Public Water Supply.</b>	
Applicant	<b>Aqua Pennsylvania, Inc.— Roaring Creek Division</b>
Borough or Township	Mount Carmel Township
County	<b>Northumberland</b>
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Aqua Pennsylvania, Inc.— Roaring Creek 204 E. Sunbury Street Shamokin, PA 17872
Permit Issued	February 20, 2020
<i>Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>	
<b>Permit No. 6319501, Major Amendment. Public Water Supply.</b>	
Applicant	<b>Tri-County Joint Municipal Authority</b> 26 Monongahela Avenue P.O. Box 758 Fredericktown, PA 15333
Borough or Township	East Bethlehem Township
County	<b>Washington</b>
Type of Facility	Chemical feed at the WTP
Consulting Engineer	Entech Engineering 400 Rouser Road Building # 2 Suite 200 Coraopolis, PA 15108
Permit Issued	February 19, 2020
<b>Permit No. 2619509, Major Amendment. Public Water Supply.</b>	
Applicant	<b>Municipal Authority of Westmoreland County</b> 127 Park & Pool Road New Stanton, PA 15672
Borough or Township	Hempfield Township
County	<b>Westmoreland</b>
Type of Facility	Hempfield water storage tank
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
Permit Issued	February 14, 2020
<b>Permit No. 0419517-EI, Minor Amendment. Public Water Supply.</b>	
Applicant	<b>Ambridge Water Authority</b> P.O. Box 257 600 Eleventh Street Ambridge, PA 15003
Borough or Township	Economy Borough
County	<b>Beaver</b>
Type of Facility	Second interconnection with West View Water Authority.
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Permit Issued	February 20, 2020

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PSID No. 5040039**, Forward Township, **Allegheny County** on February 20, 2020 for the operation of facilities approved under permit # 0219549MA for two interconnections with the Municipal Authority of Westmoreland County (Route 51 and Williamsport interconnections).

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

**Operation Permit** issued to **Barkeyville Municipal Authority, PSID No. 6610036**, Barkeyville Borough, **Venango County**. Permit Number 6102501-MA3 issued February 14, 2020 for the operation of the 12.5% sodium hypochlorite chemical feed system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 5, 2020.

**Operation Permit** issued to **Bradys Bend Township Water and Sewer Authority, PSID No. 5030037**, Bradys Bend Township, **Armstrong County**. Permit Number 0319502 issued February 14, 2020 for the operation of the interconnection meter vault. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 20, 2019.

**Permit No. 3391503-MA5, Public Water Supply.**

Applicant	<b>Reynoldsville Water Authority</b>
Township or Borough	Reynoldsville Borough
County	<b>Jefferson County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Robert Horvat, P.E. Entech Engineering 400 Rouser Road Coraopolis, PA 15108
Permit to Construct Issued	February 14, 2020

**Permit No. 0389504-MA2, Public Water Supply.**

Applicant	<b>Cowanshannock Township Municipal Authority</b>
Township or Borough	Cowanshannock Township
County	<b>Armstrong County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Bankson Engineers 267 Blue Run Road Suite 200 Cheswick, PA 15024
Permit to Construct Issued	February 25, 2020

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Paul's Oldsmobile Dealership**, 260 East Street Road, Warminster Township, **Bucks County**. Kenny Kim, PE, Comstock Environmental, P.O. Box 509, Lafayette Hill, PA 19444 on behalf of Dave Rybas, Brierwood Company, 300 Chestnutwood Lane, Andalusia, PA 19020 submitted a Final Report concerning remediation of site groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Duckett Residence**, 440 Brookside Avenue, Lower Gwynedd Township, **Montgomery County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lots 5, 6 and 6A of the Moyer Farm Subdivision**, New Hanover Township, Moyer and Township Line Road, **Montgomery County**. Jeffrey A. Leed, Leed Environmental, Inc., 2209 Quarry Drive, Suite C-35, Reading, PA 19609 on behalf of Joseph Margusity, Wexford Court, LLC, 356 Hidden Farm Drive, Exton, PA 19341 submitted a Final Report concerning remediation of site soil contaminated with arsenic and lead. The report is intended to document remediation of the site to meet the Background Standard.

**Gould Residence**, 113 West Haines Street, City of Philadelphia, **Philadelphia County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Peter Gould, 113 West Haines Street, Philadelphia, PA 19144 submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Hoplamazian Property**, 4 Hampton Lane, Edgemont Township, **Delaware County**. Joseph Diamadi, Jr., PG, Marshall Geoscience Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Sona Hoplamazian, 4 Hampton Lane, Glen Mills, PA 19342 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Edgar Residence**, 16 Winding Lane, Lower Southampton Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**5018 Old Timber Road**, 5018 Old Timber Road, Stroudsburg, PA 18360, Hamilton Township, **Monroe County**. Mobile Environmental Analytical, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Cresson Point Properties LLC, P.O. Box 53, Ashfield, PA 18212, submitted a final report concerning remediation of soil contaminated by a release of kerosene from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

**P&G Warehouse OG Well Pad**, 120 P&G Warehouse Way, Tunkhannock, PA 18657, Washington Township, **Wyoming County**. Apex Companies, 606 Main Street, Athens, PA 18810 on behalf of BKV Operating LLC, 12231 State Route 8706, Montrose, PA 18801, submitted a final report concerning remediation of soil contaminated by a release of base oil and production fluid (brine) kerosene from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

**P&G 4 Well Pad**, 5207 State Route 87, Mehoopany, PA 18629, Washington Township, **Wyoming County**. Apex Companies, 606 Main Street, Athens, PA 18810 on behalf of BKV Operating LLC, 12231 State Route 8706, Montrose, PA 18801, submitted a final report concerning remediation of soil contaminated by a release of drilling fluid. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Del Brook Estates MHP**, 2801 Blossom Drive, Dover, PA 17315, Dover Township, **York County**. Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Dolan Oil Services, Inc., 955 York Haven Road, York Haven, PA 17370, and Del Brook Estates, 41711 Sandy Hill Road, Montgomery, TX 77316, submitted a Final Report concerning remediation of site

soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Kenneth R. & Gladys M. Stoltzfus Property**, 890 Hanover Road, York, PA 17408, Jackson Township, **York County**. Liberty Environmental Inc., 505 Penn Street, Reading, PA 19601, on behalf of Poplar Partners, 130 Carlisle Street, Hanover, PA 17331 and Kenneth R. and Gladys M. Stoltzfus, 761 Valley Drive, Dallastown, PA 17313, submitted a Remedial Investigation Report and Cleanup Plan for site soil contaminated with PAHs and Vanadium. The combined Report is intended to document remediation of the site to meet the Site-Specific Specific Standard.

**Former Swan Electric Company**, 490 High Street, Hanover, PA 17331, Hanover Borough, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Mr. Glenn Bange, 1281 Honda Road, Hanover, PA 17331 and Pinnacle Premier Properties, LLC, 7060 Division Highway, Narvon, PA 17555, submitted a Final Report concerning remediation of site groundwater contaminated with petroleum hydrocarbons. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Top Ten Express Cleanup Interstate 80 at MM202.5W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Top Ten Express, 2001 N. Delany Rd., Gurnee, IL 60031, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soil.

**Five Rivers Trucking Cleanup Interstate 80 at MM202.5W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Five Rivers Trucking, 511 Can Do Expressway, Hazleton, PA 18202, has submitted a Final Report concerning remediation of site soil contaminated with motor oil. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soil.

**Kingdom Trans., LLC Cleanup Interstate 80 at MM202.5W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Kingdom Trans., LLC, 121 Windy Hill Lane, Spring Mills, PA 16875, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soil.

**Evans Delivery Company Cleanup Interstate 80 at MM202.5W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Evans Network of Companies, P.O. Box 587, West Motor Building, Boyertown, PA 19512, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soil.

**Ryder Truck Rental Cleanup Interstate 80 at MM202.5W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Ryder Truck Rental, 11690 NW 105 St 1E, Miami, FL 33178, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soil.

**Cleanup site near 1003 Railroad Avenue**, Rolette Township, **Potter County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Duffy Inc., 1 Delta Drive, Smethport, PA 16749, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard for soil.

## 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 man-

ager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Emmanuel CSI Church**, 3325 Brownsville Road, Bensalem Township, **Bucks County**. Matthew Abraham, West Chester Environmental, LLC, 1248 Wrights Lane, West Chester, PA 19380 on behalf of Koshy Verghese, Emmanuel CSI Church, 3325 Brownsville Road, Feasterville-Trevose, PA 19053 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on January 29, 2020.

**1331-1339 South Juniper Street**, 1331-1339 South Juniper Street, City of Philadelphia, **Philadelphia County**. Marc Chartier, PG, Pennoni Associates Inc., 515 Grove Street, Suite 1B, Haddon Heights, NJ 08035 on behalf of Jason Cutaiar, Made Construction, 1701 Reed Street, Philadelphia, PA 19146 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with gasoline. The Report was reviewed by the Department which issued a technical deficiency letter on February 4, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Praedium Partners-Forks Property**, 108 Golf Drive, Mountainhome, PA 18326, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Praedium Partners LLC, 160 North Point Boulevard, Suite 200, Lancaster, PA 17601, submitted a revised Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of soil and groundwater contaminated by historic releases of petroleum from underground storage tanks. The report documented remediation of the site to meet Site-Specific Standards and was approved by DEP on February 19, 2020.

**Chestnut Ridge at Rodale (former Rodale Corporate HQ)**, 400 South 10th Street, Emmaus Borough, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Phoebe Richland Health Care Center, 1925 Turner Street, Allentown, PA 18104, submitted a combined Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of soil contaminated with Arsenic, Beryllium, Cadmium, Lead, and Thallium from a historic iron mine that was later used as the Emmaus Borough dump. The report was intended to document remediation of the site to meet Site-Specific Standards but was disapproved by DEP on February 21, 2020.

**Kovatch Properties**, 363 North First Street, Lehigh Township, **Carbon County**. Quantum Engineering, 219 West Phillips Street, Coaldale, PA 18218, on behalf of Kovatch Properties LP, 145 Grouse Ridge Road, Tamaqua, PA 18252, submitted a revised Final Report concerning remediation of soil contamination caused by a release of petroleum at a former service station. The

report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on February 24, 2020.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**F.L. Smithe Machine Company Inc.**, 899 Plank Road, Suite 1, Duncansville Borough, **Blair County**. Mountain Research LLC, 825 25th St., Altoona, PA 16601, on behalf of Barry-Wehmiller Company Inc., 8020 Forsyth Boulevard, St. Louis, MO 63105 submitted a Cleanup Plan and Final Report concerning remediation of site groundwater contaminated with volatile and semi-volatile organic compounds. The Final Report and Cleanup Plan demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 20, 2020.

**Speedway # 6719**, 1070 Lincoln Highway, Chambersburg, PA 17201, Chambersburg Borough, **Franklin County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18014, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Final Report concerning site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 21, 2020.

**Gateway West Housing**, 416 & 442 Gordon Street, Reading, PA 19601, City of Reading, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Gateway West Housing Associates, LP, 726 Yorklyn Road, Suite 150, Hockessin, DE 19601, and Reading Development Authority, 815 Washington City, Suite 2-53, Reading, PA 19601 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, PAHs, chlorinated solvents, and PCBs. The Report was approved by the Department on February 21, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**921 Oak Ridge Avenue**, State College, College Township, **Centre County**. Elizabeth McGraw, 921 Oak Ridge Avenue, State College, PA 16801, s submitted a Final Report concerning remediation of site soil contaminated with No. 2 Fuel Oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 12, 2020.

**Former H. Warshow & Sons Site**, 250 Mahoning Street, Milton Borough, **Northumberland County**. BlackRock Environmental LLC, P.O. Box 288, Nazareth, PA 18064, on behalf of Pinpoint Federal Credit Union, 603 South Center Street, Milton, PA 17847, has submitted a Baseline Remedial Investigative Work Plan concerning remediation of site soil and groundwater. The work plan was approved by the Department on February 20, 2020.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Jefferson Compressor Station**, 910 Saxonburg Road, Jefferson Township, **Butler County**. Moody & Associates, Inc., 199 Johnson Road, Building No. 2, Suite 101, Houston, PA 15342, on behalf of XTO Energy, Inc., 190 Thorn Hill Road, Warrendale, PA 15086, submitted a

Final Report concerning the remediation of site soil contaminated with Benzene, 1,2,4-Trimethylbenzene, Strontium, and Vanadium. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 19, 2020.

**Former ELG Metals Scrapyard Property**, Intersection of Crestview Drive and 4th Street, Pymatuning Township, **Mercer County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Greenville-Redevelopment Corporation, 301 Arlington Drive, Greenville, PA 16125, submitted a Final Report concerning the remediation of site soil contaminated with Antimony, Chromium, Cobalt, Manganese, Molybdenum, Nickel, Selenium, Iron, Lead and site groundwater contaminated with Arsenic, Lead, and Manganese. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 24, 2020.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**S-J Transportation Co., Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. PA-AH 0015. Effective Feb. 19, 2020.

**Freehold Cartage, Inc.**, P.O. Box 5010, Freehold, NJ 07728. License No. PA-AH 0067. Effective Feb. 12, 2020.

**U.S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective Feb. 07, 2020.

**Ecology Services, Inc.**, 9135 Guilford Road, Columbia, MD 21046. License No. PA-AH 0789. Effective Feb. 19, 2020.

**Waste Management of PA, Inc.**, 782 Antrim Rd, Wellsboro, PA 16901. License No. PA-AH 0813. Effective Feb. 13, 2020.

#### *Transporter Licenses Reissued*

**S-J Transportation Co., Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. PA-AH 0015. Effective Feb. 24, 2020.

**Freehold Cartage, Inc.**, P.O. Box 5010, Freehold, NJ 07728. License No. PA-AH 0067. Effective Feb. 12, 2020.

**U.S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective Feb. 07, 2020.

**Ecology Services, Inc.**, 9135 Guilford Road, Columbia, MD 21046. License No. PA-AH 0789. Effective Feb. 19, 2020.

**Waste Management of PA, Inc.**, 782 Antrim Rd, Wellsboro, PA 16901. License No. PA-AH 0813. Effective Feb. 13, 2020.

#### *Transporter Licenses Voluntarily Terminated*

**Disttech, LLC, dba Disttech**, 4366 Mt Pleasant Street NW, North Canton, OH 44720. License No. PA-AH 0799. Effective Feb. 13, 2020.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**Biosafety Services LLC**, 271 Pine Road, Pittsburgh, PA 15237. License No. PA-HC 0270. Effective Feb. 25, 2020.

**Graf Brothers Leasing, Inc.**, 166 Lafayette Rd., Salisbury, MA 01952. License No. PA-HC 0275. Effective Feb. 14, 2020.

#### *Transporter License Reissued*

**Biosafety Services LLC**, 271 Pine Road, Pittsburgh, PA 15237. License No. PA-HC 0270. Effective Feb. 25, 2020.

**Graf Brothers Leasing, Inc.**, 166 Lafayette Rd., Salisbury, MA 01952. License No. PA-HC 0275. Effective Feb. 14, 2020.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Permit No. 301343, Bedford Waste Oil Transfer Station**, 170 Transport Road, Bedford, PA 15522, Bedford Township, **Bedford County**. A major permit modification was issued on February 19, 2020, to Solid Waste Permit No. 301343, Emaxx Central PA, LLC, to convert its waste oil transfer station into a waste oil processing facility.

Persons interested in reviewing the permit may contact Mr. John Oren, Permits Chief, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP3-09-0161: Mount Materials, LLC** (427 South White Horse Pike, P.O. Box 67, Berlin, NJ 08009-9003) on February 21, 2020 for the operation of a new jaw crusher concrete recycling plant located in Falls Township, **Bucks County**.

**GP-46-0109: Saint Charles Borromeo Seminary** (100 East Wynnewood Road, Wynnewood, PA 19096) on February 24, 2020 for a No. 2 Small Gas & No. 2 Oil Fired Combustion Units in Lower Merion, **Montgomery County**.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP3-64-009A: Wayco Inc.** (198 O'Connell Road, Waymart, PA 18472) on February 19, 2020, for the installation and operation of a portable crushing plant at the facility located in Palmyra Twp., **Wayne County**.

**GP9-64-009A: Wayco Inc.** (198 O'Connell Road, Waymart, PA 18472) on February 19, 2020, for the construction and operation of diesel fired internal combustion engines at the facility located in Palmyra Township, **Wayne County**.

**GP3-66-010: Noxen Sand and Materials** (2162 Chase Road, Shavertown, PA 18708) on January 16, 2020 to construct and operate a Portable Crushing Operation with water sprays at their Lake Road Quarry in Noxen Township, **Wyoming County**.

**GP9-66-010: Noxen Sand and Materials** (2162 Chase Road, Shavertown, PA 18708) on January 16, 2020 to install and operate two (2) Diesel I/C engines at their Lake Road Quarry in Noxen Township, **Wyoming County**.

**AG5-58-00018A: Williams Field Services Company, LLC** (310 SR 29 North, Tunkhannock, PA 18657) on January 16, 2020 to operate three (3) IC Engines, one (1) turbine, one (1) flare, one (1) IC generator engine, three (3) dehydrators with reboilers, and two (2) condensate tanks at the Central Compressor Station site in Brooklyn Township, **Susquehanna County**.

**AG5-58-00019A: Susquehanna Gathering Co. I, LLC** (1429 Oliver Road, New Milford, PA 18834) on January 28, 2020 to operate twelve (12) natural gas fired compressor engines, two (2) dehydrators with reboilers, three (3) produced water tanks, and one (1) emergency generator at the CDP # 2 Station located in New Milford Township, **Susquehanna County**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP5-63-00998A/AG5-63-00006A: CNX Midstream Partners LP** (1000 Consol Energy Drive, Cannonsburg, PA 15317) on February 20, 2020, to authorize the continued operation of the previously installed sources which include three (3) natural gas-fired Caterpillar engines rated at 1380 bhp equipped with oxidation catalysts, one (1) 67 MMscfd TEG with a reboiler rated at 1.0 MMBtu/hr, emissions controlled by an enclosed flare rated at 3.0 MMBtu/hr with 95% control efficiency, one truck loading, one (1) natural gas-fired Turbine rated at 65 kW, twelve (12) storage tanks of various capacities to store oil, methanol, condensate etc. at their NV-57 Compressor Station located in Morris Township, **Washington County**.

**GP5-63-00993A/AG5-63-00007A: Rover Pipeline, LLC** (101 West Third, 3rd Street, Williamsport, PA 17701) on February 24, 2020, to authorize the continued operation of the previously installed sources which include three (3) natural gas-fired Caterpillar engines rated at 1,725 bhp equipped with oxidation catalysts, one (1) emergency diesel-fired generator Tier-3 certified rated at 766 bhp, three (3) produced water tanks—two 12,600-gallon and one 2,500-gallon, one truck loading, four (4) storage tanks of various capacities to store oil, coolant, and waste oil, and two (2) methanol tanks each rated at 250-gallons at their Bulger Compressor Station located in Smith Township, **Washington County**.

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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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**15-0141A: Tin Technology and Refining** (905 Fern Hill Road, West Chester, PA 19380) on December 30, 2019, for the installation of an additional recovery furnace and two (2) melting pots at a non-Title V facility in West Goshen Township, **Chester County**.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**40-00139A: Gonnella Frozen Products, LLC** (301 Parkview Road, Hazle Township, PA 18202) on January 9, 2020 for the installation of one (1) 1,881 CFM baghouse to control dust from three (3) flour silos and four (4) dough mixers for their facility in Hazle Township, **Luzerne County**.

**40-00126B: Hazleton Hiller, LLC** (414 Stockton Mountain Road, P.O. Box 435, Hazleton, PA 18201) on January 9, 2020 for the replacement of a dual cyclonic separator used to control particulate matter (PM) emissions from an existing vibrating dryer for their facility located in Hazle Twp, **Luzerne County**.

**54-00041C: Silberline Manufacturing Co., Inc.** (130 Lincoln Drive, Tamaqua, PA 18252) on January 14, 2020 for installation of a new encapsulation process for pigments including one (1) new Particulate Matter (PM) condenser for their facility in Rush Township, **Schuylkill County**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**63-00549C: Arden Landfill, Inc.** (200 Rangos Lane, Washington, PA 15301) on February 13, 2020, to combine previously issued PA-63-00549A for a landfill gas-to-energy plant and PA-63-00549B for the expansion in landfill capacity and to revise emission limits and testing requirements at the Arden Landfill, Inc. municipal solid waste landfill facility located in Chartiers Township, **Washington County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**22-05033B: Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011) on February 20, 2020, for authorization to allow for a VOC limit of 40 ppm at 15% O<sub>2</sub>, measured as propane, for the hot mix asphalt plant with an enforceable reduced operating hour limit of 1,000 hours per running 12-month period at their facility in Steelton Borough, **Dauphin County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**15-0013C: Infiana USA, Inc.** (2400 Continental Boulevard, Malvern, PA 19355) on February 21, 2020 an extension for the installation of a heat set flexographic printing press, associated dryers and a Regenerative Thermal Oxidizer in Tredyffrin Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05158A: Perdue AgriBusiness, LLC** (1897 River Road, Marietta, PA 17547) on February 21, 2020, for the construction and temporary operation of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule and a revised stack test schedule.

**36-05014J: Arconic Lancaster Corp.** (1480 Manheim Pike, Lancaster, PA 17601-3152) on February 21, 2020, for the secondary aluminum production facility located in Manheim Township, **Lancaster County**. The Title V plan approval was administratively amended in order to reflect a change of name.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**49-00064B: Milton Sewer Regional Authority** (5585 State Route 405, P.O. Box 433, Milton, PA 17847) on February 21, 2020, to extend the authorization to temporarily operate the sources pursuant to the plan approval an additional 180 days from March 10, 2020, to September 6, 2020, at their facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

*Southwest Regional Office, 400 Waterfront Drive, Pitts-burgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**65-00990C: Tenaska Pennsylvania Partners, LLC** (14302 FNB Parkway, Omaha, NE 68154) on February 24, 2020, to allow continued temporary operation of the Tenaska Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County**. The new expiration date is August 28, 2020.

**04-00741A: ETC Northeast Field Services, LLC** (6051 Wallace Road Ext, Suite 300, Wexford, PA 15090) on February 24, 2020, to allow continued temporary of the sources authorized at the Pike Compressor Station located in New Sewickley Township, **Beaver County**. The new expiration date is August 28, 2020.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**10-284H: Seneca Landfill Incorporated** (421 Hartmann Road, Evans City, PA 16033) on February 18, 2020, effective February 29, 2020, has issued a plan approval extension for finishing construction on items related to the AQ sources in the plan approval in Jackson Township, **Butler County**. This is a Title V facility. This will expire on August 27, 2020.

**43-182C: Wheatland Tube Company, Council Avenue Plant** (1 Council Avenue, Wheatland, PA 16146) on February 18, 2020, effective February 28, 2020, has issued a plan approval extension for retesting in February 2020 and review of stack tests in Wheatland Borough, **Mercer County**. This is a Title V facility. This will expire on August 27, 2020.

**43-273A: Select Industries Incorporated dba Select Metal Litho Greenville** (242 Reynolds Industrial Park Drive, Greenville, PA 16125) on February 20, 2020, effective February 29, 2020, has issued a plan approval extension for the installation of an additional coating line (Source 106) along with the addition of a regenerative thermal oxidizer (RTO-C106) in Pymatuning Township, **Mercer County**. This is a State Only facility. This will expire on August 27, 2020.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**10-00368: MarkWest Liberty Bluestone Plant** (440 Hartmann Rd, Evans City, PA 16033), on February 20, 2020, the Department issued the new Title V Operating Permit of a natural gas gathering and processing facility located in Jackson Township, **Butler County**. Permitted sources at the facility include: two (2) natural gas-fired refrigerant compressor engines; four (4) natural gas-fired

residue compressor engines; electrically-driven inlet and residue compressor engines; three (3) gas processing plants; twelve (12) process heaters; truck and railyard loading; a natural gas storage tank; a natural gas-fired emergency generator; and fugitive emissions that include maintenance blowdowns, pigging operations, compressor rod packing emissions, and crankcase blow emissions. Pursuant to previous plan approvals, general permit, and/or State-only operating permit, the natural gas-fired compressor engines are subject to 40 CFR 60 Subpart JJJJ pertaining to NSPS for spark ignition internal combustion engines. The 40 CFR 60 Subparts OOOO and VVa, which are two NSPS regulating emissions leaks, apply to several sources that include the gas processing plants and the electrically-driven compressor engines. In the new Title V operating permit, conditions of the Consent Decree Case 3:18-cv-02526-JGC dated January 8, 2019 are incorporated. Pursuant to the Consent Decree, three NSPS are also added namely 40 CFR 60 Subparts Db and Dc, which apply to process heaters, and Subpart NNN, which apply to the gas processing plants and associated control devices/flares. In absence of corresponding limit, VOC emission is removed from the required stack tests for four process heaters. A temporary mobile flare approved through a RFD is added as a permitted control device. Several fugitive emissions are identified as a permitted source. As Title V, weekly monitoring for fugitive emissions and visible emissions are added. RACT II presumptive and alternative VOC requirements are incorporated.

The new Title V operating permit includes the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s SIP 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; this includes the provisions of the Department’s presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at the facility. 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:

<i>Source</i>	<i>RACT II Requirement</i>
Fugitive emissions sources from connectors, flanges, pressure safety valves, and valves at the gas processing plants, Source 110	Comply with 40 CFR 60 Subpart OOOO

**16-00133: Clarion Bathware** (16273 Route 208, Marble, PA 16334-1515, **Clarion County**). On February 19, 2020, the Department issued a modification of the Title V Operating Permit to incorporate RACT II case-by-case requirements for the manufacturing facility. The facility is major for VOC and not NO<sub>x</sub>; thus, the RACT II Review only addresses emissions of VOC. The Marble facility manufactures composite fiberglass resin bathware

that includes the operation of surface coating processes (resin and gelcoat booths) and custom, auxiliary, and mold shops. The open molding processes are subject to 40 CFR 63 Subpart WWWW NESHAP for Reinforced Plastic Composites Production. This RACT II major modification addresses several VOC emission sources subject to an alternative RACT proposal pursuant to § 129.99(c), including the surface coating processes (resin and gelcoat booths) and custom, auxiliary, and mold shops. The facility is also subject to a facility-wide VOC limit of 150 tpy on a 12-month rolling basis in compliance with RACT II case-by-case provisions. The permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**33-00002: Owens-Illinois Inc., Owens-Brockway Glass Container Plant 19** (3831 Route 219, Brockway, PA 15823). On February 18, 2020, the Department issued the renewal of the Title V Operating Permit of a glass container manufacturing facility located in Snyder Township, **Jefferson County**. Permitted sources at the facility include two glass melting furnaces, refiners, forehearths, lehrs, forming machines, a boiler, a diesel-fueled emergency generator, two natural gas-fired emergency generators, and other supporting operations. The facility is Title V because of its potential to emit NO<sub>x</sub> and SO<sub>x</sub>. The glass melting furnace has been subject to 25 Pa. Code §§ 129.301—129.310 and § 60 Subpart CC. The engines have been subject to § 63 Subpart ZZZZ. In this renewal, applicable RACT II (§§ 129.96—129.100) requirements are incorporated into the renewal permit. For the diesel engine, operating hours equivalent to applicable NO<sub>x</sub> emission limits are added as restrictions. With both glass melting furnaces already subject to NO<sub>x</sub> CEMS and annual emission inventory reporting requirements, quarterly reporting of NO<sub>x</sub> and SO<sub>x</sub> emissions that applied to one glass melting furnace only is removed. Source test submittals are updated based on Source Testing Section’s latest instructions. A reporting requirement for malfunctions is added.

**42-00011:** On February 21, 2020, in accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection issued a significant modification to the Title V operating permit for **International Waxes** in Keating Township, **McKean County**. The permit modification 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, 2008 and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. 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 from the SIP submittal; this includes the provisions of the Department’s presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility. 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	RACT II Requirement
Source 031A, 032A, 033A (boilers)	(a) Startup, Shakedown and Operation of Boiler # 1 burning natural gas only shall be completed by February 29, 2020. (b) Boiler # 2 shall begin retrofit to natural gas only by April 30, 2020. Startup, Shakedown and Operation of Boiler # 2 burning natural gas only shall be completed by November 1, 2020. (c) Boiler # 3 shall be permanently shut down by December 31, 2020. (d) Upon startup after gas conversion, Boilers # 1 and # 2 shall comply with a 0.036 lb. NO <sub>x</sub> /MMBtu limit. (e) In the interim, until the retrofit/shutdown is complete, the 3 boilers will remain subject to the RACT 1 NO <sub>x</sub> limits (boilers # 1 and # 2 are 1.03 lb NO <sub>x</sub> /MMBtu and boiler # 3 is 0.684 lb NO <sub>x</sub> /MMBtu) and conditions identified in the Title V permit.
Source 300—Wastewater Treatment Plant	VOC emissions shall not exceed 49 TPY, calculated as a 12-month rolling total, with compliance demonstrated via throughput and emission factors. Any floating product (i.e. wax) shall be routinely skimmed from the wastewater treatment plant API separators, and the skimmed material shall be returned to the production process.
Source 303—Flue Gas Holder	VOC emissions shall not exceed 14 TPY, calculated as a 12-month rolling total, with compliance demonstrated via throughput and emission factors. The flue gas holder shall be operated in accordance with manufacturer/facility specifications and good engineering practices. A positive pressure nitrogen blanket shall be maintained on the flue gas holder at all times, to minimize volatilization of organic compounds.

**61-00011: Sasol Chemicals (USA) LLC** (292 State Route 8, Oil City, PA 16301), on February 18, 2020, in accordance with 25 Pa. Code §§ 129.96—129.100, the Department issued a significant modification to the Title V operating permit for a facility that manufactures

industrial organic chemicals located in Cornplanter Township, **Venango County**. The permit modification 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, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s SIP 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; this includes the provisions of the Department’s presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at the facility. 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	RACT II Requirement
Krystal Unit North & South Dryers, Source 102:	<ul style="list-style-type: none"> <li>• VOC bypass emission limit of 8.9 tons per year, based on a 12-month rolling total.</li> <li>• Emergency atmospheric bypass time shall not exceed 292 hour per year (based on a 12-month rolling total).</li> </ul>
314 & 340 Distillation Column Vents, Source 107:	<ul style="list-style-type: none"> <li>• VOC bypass emission limit of 13.2 tons per year, based on a 12-month rolling total.</li> <li>• Emergency atmospheric bypass time shall be limited to 5% of distillation operating hours.</li> <li>• Annual out-of-service inspections and periodic in-service inspections. Based on these inspections, perform maintenance to reduce air leaks into the system to reduce high oxygen concentrations that can cause atmospheric bypass.</li> </ul>

**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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**48-00054: Praxair Distribution, Inc.** (145 Shimersville Road, Bethlehem, PA 18015-9544). The Department issued, on February 25, 2020, a State-Only Operating Permit for the operation of sources at the Praxair facility located in the City of Bethlehem, **Northampton County**. Business activities performed at this facility include the repackaging of industrial, medical and specialty gases. The processes include ethylene oxide cylinder purging; silicontetra and trichlorocyl purging; base gas cylinder purging; and a nitric oxide generation plant. The control devices include two wet scrubbers and a packed bed



scrubber. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00090: Bridon American Corporation** (280 New Commerce Boulevard, Wilkes-Barre, PA 18706). The Department issued, on 2/24/2020, a State-Only Operating Permit for operation of sources at a fabricated wire products manufacturing facility in Hanover Township, **Lehigh County**. The sources include a wire rod acid picking line, and a wire pulling line. Control devices include a packed tower scrubber and a baghouse. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**45-00009: Vertellus DWG, LLC** (P.O. Box 730, Delaware Water Gap, PA 18327-0730). The Department issued, on 2/24/2020, a State-Only Operating Permit for operation of sources at an organic chemical manufacturing facility in Delaware Water Gap Borough, **Monroe County**. The sources include vessels, tanks, centrifuges, and a diesel-fired emergency generator. Control devices include three scrubbers. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00101: Airlite Plastics Co.** (2860 Bath Pike, Nazareth, PA 18064). The Department issued, on 2/24/2020, a State-Only Operating Permit for operation of sources at a polystyrene foam products manufacturing facility in Upper Nazareth Township, **Northampton County**. The sources include a pre-expander, mesh aging bags, molding presses, molded parts storage, a burn-off oven, and a 5MMBtu/hr natural gas and oil-fired boiler. Control devices include one regenerative thermal oxidizer. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-03143: ESAB Group, Inc.** (1500 Karen Lane, Hanover, PA 17331-8122) on February 20, 2020, for the welding rod manufacturing facility located in Hanover Borough, **York 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.*

**41-00071: Williamsport Steel Container Corporation** (360 Arch Street, Williamsport, PA 17701) on February 19, 2020, for their facility located in Williamsport, **Lycoming County**. Emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements

have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations.

**08-00016: Dalrymple Gravel & Contracting Co., Inc.** (2105, South Broadway, Pine City, NY 14781) on February 11, 2020, for renewal of the State Only (Synthetic Minor) Operating Permit for their asphalt plant and sand and gravel processing facility located in Athens Township, **Bradford County**. Emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations.

**41-00062: Wheeland Lumber Company** (3558 Williamson Trail, Liberty, PA 16930) on February 24, 2020, for their facility located in Jackson Township, **Lycoming County**. The operating permit renewal includes emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable State and Federal air quality regulations.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00510: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on January 28, 2020, DEP issued a renewed State Only Operating Permit to the Rosebud Mining Company for the operation of a coal preparation plant, known as the Madison Deep Mine Coal Preparation Plant, located in Jackson Township, **Cambria County**.

The facility contains air contamination for unloading, screening, storing, and loading coal. It has stockpiles to supply and store coal, a radial stacker for the clean coal stockpile, a screen, and roads. The facility also contains two, 610-bhp and 470-bhp, each, emergency diesel engines. Air pollution prevention equipment at the facility includes enclosures, minimization of drop height, and watering of roads and material.

No emission or equipment changes have been approved by this action. Emission sources at the facility are subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting and recordkeeping requirements for the facility. The emission restriction, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 25 Pa. Code, Article III, Chapters 121—145.

**03-00229: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on January 28, 2020, DEP issued a renewed State Only Operating Permit to the Rosebud Mining Company for the operation of a coal preparation plant, known as the Logansport Mine Coal Preparation Plant, located in Bethel Township, **Armstrong County**.

The facility contains air contamination for unloading, screening, sizing, desliming, storing, and loading coal. Coal processing equipment includes dry screens to sort the coal into 3/4" plus and minus fractions. The larger fraction is sent though a wet sizer. The smaller fraction is

sent through a desliming screen. It also has radial stackers, stacking tubes, and stockpiles for production surges and malfunctions, raw coal, specific clean coal sizes, and reject. The facility also contains two 755-bhp emergency diesel engines. Air pollution prevention equipment at the facility includes enclosures, minimization of drop height, and watering of roads and material.

No emission or equipment changes have been approved by this action. Emission sources at the facility are subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting and recordkeeping requirements for the facility. The emission restriction, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 25 Pa. Code, Article III, Chapters 121—145.

**11-00529: Ebensburg Animal Hospital** (922 Rowena Drive, Ebensburg, PA 15931), Natural Minor Operating Permit. On February 25, 2020, the Department of Environmental Protection authorized a renewed natural minor State-Only operating permit for the operation of the facility's air contamination source consisting of one natural gas-fired, 100 lb/hr Matthews International-Cremation Division IEB-16 crematory incinerator rated at 0.750 MMBtu/hr primary chamber and 2.0 MMBtu/hr secondary chamber located in Ebensburg Borough, **Cambria County**. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site.

**04-00013: Allegheny & Tsingshan Stainless, LLC** (100 River Road, Brackenridge, PA 15014) on February 24, 2020, a State Only Operating Permit (SOOP) and RACT II Modification to Allegheny & Tsingshan Stainless, LLC to authorize the operation of a specialty metals finishing facility located in Midland Borough, **Beaver County**.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**25-00192: Reed Manufacturing** (1425 W 8th St., Erie, PA 16502), on February 18, 2020, the Department issued the renewal of the State-Only Operating Permit of a facility that manufactures general pipe working tools located in the City of Erie, **Erie County**. Permitted air contamination sources at the facility include a natural gas-fired boiler, heat treat furnaces, a shot blaster, a parts washer, various machining operations, and miscellaneous natural gas usage. In this renewal, a parts washer is incorporated as a permitted source. A fuel restriction is added for the gas-fired boiler to ensure exemption from 40 CFR 63 Subpart JJJJJ. A control device is added for a permitted source. A permitted source is also renamed, and its permit map revised to correctly represent the current set-up. The facility is Natural Minor for permitting purposes.

**25-01007: Formtech Enterprises, Inc.** (7301 Klier Drive, Fairview, PA 16415), on February 18, 2020, the Department issued the renewal of the State-Only Operating Permit of a plastic extrusion production facility located in Fairview Township, **Erie County**. Permitted air contamination sources at the facility are a burn-off oven, plastic extrusion lines, plastic grinding operations, a parts washer, & miscellaneous natural gas combustion. The burn-off oven was previously authorized through PA 25-1007A. In this renewal, no significant changes in

permit requirements are made. The facility is Natural Minor for permitting purposes.

## AIR QUALITY

### Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00049: Logan Marketing Group, DBA Intellus** (431 Yerkes Rd, King of Prussia, PA 19406) on February 21, 2020 for change of ownership from International Business Systems, Inc. and responsible official to Ms. Michelle Versace, for the facility located in Upper Merion Township, **Montgomery County**. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05014: Arconic Lancaster Corp.** (1480 Manheim Pike, Lancaster, PA 17601-3152) on February 21, 2020, for the secondary aluminum production facility located in Manheim Township, **Lancaster County**. The Title V permit was administratively amended in order to reflect a change of name.

**36-05063: Boyertown Foundry Co.** (Ninth Street & Rothelme Drive, P.O. Box 443, New Berlinville, PA 19545-0443) on February 21, 2020, for the iron foundry in Boyertown Borough, **Berks County**. The Title V permit underwent a significant modification to add case-by-case RACT 2 requirements for the facility, and to make minor administrative updates. The portions of the permit related to approval of the RACT 2 case-by-case proposal will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal.

**22-05012: ArcelorMittal Steelton, LLC** (215 South Front Street, Steelton, PA 17113-2538) on February 21, 2020, for the steel manufacturing facility in Steelton Borough, **Dauphin County**. The Title V permit underwent a significant modification to add case-by-case RACT 2 requirements for the facility, to revise RACT 1 requirements, and to make minor administrative updates. The portions of the permit related to approval of the RACT 2 case-by-case proposal and RACT 1 requirements will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**10-00037: Sonneborn LLC** (100 Sonneborn Lane, Petrolia, PA 16050). On February 18, 2020, the Depart-

ment issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility located in Petrolia Borough, **Butler County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

### Coal Permits Issued

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**29160101 and NPDES No. PA0279285. J&J Svonavec Excavating, Inc.**, 110 Windermere Lane, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine to revise the above referenced surface mine permit to allow for the beneficial use of biosolids for site reclamation in Wells & Broad Top Townships, **Fulton & Bedford Counties**, affecting 66.0 acres. Receiving stream(s): Great Trough Creek classified for the following use(s): TSF. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2019. Permit Issued: February 19, 2020.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Cayleigh Boniger).*

**33990102 and NPDES No. PA0227978. McKay Coal Company, Inc.** (P.O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface mine in Perry Township, **Jefferson County** affecting 81.7 acres. Receiving streams: Foundry Run and an unnamed tributary to Foundry Run. Application received: April 22, 2019. Permit issued: February 12, 2020.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**02070104 and NPDES Permit No. PA0251224. Collier Land and Coal Development, LP**, 223 Fourth Avenue, 4th Floor, Pittsburgh, PA 15222. Renewal permit for continued mining of a surface mining site located in Collier Township, **Allegheny County**, affecting 33.3 acres. Receiving stream(s): unnamed tributaries to Robinson Run. Classification: WWF. There is no potable water intake within 10 miles downstream from the point of discharge. Application received: August 27, 2018. Permit issued: February 19, 2020.

**03090103. M & M Lime Company, Inc.**, 215 Nichola Road, Worthington, PA 16262. Renewal permit for reclamation only of a surface mining site located in West Franklin Township, **Armstrong County**, affecting 8.2 acres. Receiving stream(s): Buffalo Creek. Classification: HQ-TSF. There is no potable water intake within 10 miles downstream from the point of discharge. Application received: June 24, 2019. Permit issued: February 20, 2020.

**63110101. Neiswonger Construction, Inc.**, 17592 Route 322, Strattanville, PA 16258. Revision permit for land use change from forestland to pastureland and/or land occasionally cut for hay at an existing surface mining site located in Deemston Borough, **Washington County**, affecting 24.4 acres. Receiving stream(s): unnamed tributaries to Ten Mile Creek and Ten Mile Creek. Classification: TSF. Tri-County Joint Municipal Authority is the potable water intake within 10 miles downstream from the point of discharge. Application received: July 18, 2019. Permit issued: February 21, 2020

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54813009R7. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in East Norwegian Township, **Schuylkill County** affecting 45.2 acres, receiving streams: Mill Creek and unnamed tributary to Mill Creek. Application received: February 4, 2019. Renewal issued: February 18, 2020.

**Permit No. PAM113072R. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54813009 in East Norwegian Township, **Schuylkill County**. Receiving streams: Mill Creek and unnamed tributary to Mill Creek. Application received: February 4, 2019. Renewal issued: February 18, 2020.

**Permit No. 54830209R7. Keystone Anthracite Co., Inc.** (259 N. Second Street, Girardville, PA 17935), renewal of an existing anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in West Penn Township, **Schuylkill County** affecting 17.6 acres. Receiving stream: Little Schuylkill River. Application received: August 7, 2019. Renewal issued: February 18, 2020.

**Permit No. 54830209C. Keystone Anthracite Co., Inc.** (259 N. Second Street, Girardville, PA 17935), correction update the post-mining land use to unmanaged natural habitat of an existing anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in West Penn Township, **Schuylkill County** affecting 17.6 acres. Receiving stream: Little Schuylkill River. Application received: August 7, 2019. Renewal issued: February 18, 2020.

**Permit No. PAM117049R. Keystone Anthracite Co., Inc.** (259 N. Second Street, Girardville, PA 17935), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54830209 in West Penn Township, **Schuylkill County**. Receiving stream: Little Schuylkill River. Application received: August 7, 2019. Renewal issued: February 18, 2020.

**GP12 Permit No. GP12-54830209R. Keystone Anthracite Co., Inc.** (259 N. Second Street, Girardville, PA

17935), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54830209 in West Penn Township, **Schuylkill County**. Application received: August 7, 2019. Permit renewed: February 18, 2020.

**Permit No. 13940201R5. Rossi Excavating Company** (10 Centtown Road, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Banks Township, **Carbon County** affecting 11.5 acres. Receiving stream: Beaver Creek. Application received: June 17, 2019. Renewal issued: February 19, 2020.

**Permit No. PAM114020R. Rossi Excavating Company** (10 Centtown Road, Beaver Meadows, PA 18216), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 13940201 in Banks Township, **Carbon County**, receiving stream: Beaver Meadows. Application received: June 17, 2019. Renewal issued: February 19, 2020.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**21192801. Weaver Hauling & Excavating, LLC**, 688 Walnut Bottom Road, Shippensburg, PA 17257, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in North Newton Township, **Cumberland County**, affecting 5.0 acres. Receiving stream(s): unnamed tributary to Green Spring Creek to Bulls Head Branch classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 12, 2019. Permit Issued: February 19, 2020.

**PAM419007-GP104, Weaver Hauling & Excavating, LLC**, 688 Walnut Bottom Road, Shippensburg, PA 17257. Renew Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 29192801 located in North Newton Township, **Cumberland County**. Receiving stream(s): unnamed tributary to Green Spring Creek, classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: November 12, 2019. Approved: February 19, 2020.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Cayleigh Boniger).*

**3174SM14. Hanson Aggregates Pennsylvania, LLC** (7660 Imperial Way, Allentown, PA 18195), transfer of an existing large industrial minerals surface mine from Lehigh Cement Company, LLC in North Beaver Township, **Lawrence County** affecting 70.4 acres. Receiving streams: Unnamed tributary to Hickory Creek and Hickory Creek. Application received: May 5, 2019. Permit Issued: January 7, 2020.

**PAM619004. Hanson Aggregates Pennsylvania, LLC** (7660 Imperial Way, Allentown, PA 18195), coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on Mine Drainage Permit No. 3174SM14 in North Beaver Township, **Lawrence County**. Receiving streams: Unnamed tributary to Hickory Creek and Hickory Creek. Application received: May 5, 2019. Permit Issued: January 7, 2020.

**37960301 and NPDES Permit No. PA0227188. Hanson Aggregates Pennsylvania, LLC** (7660 Imperial Way, Allentown, PA 18195), transfer of an existing large industrial minerals surface mine from Lehigh Cement Company, LLC in North Beaver & Mahoning Townships, **Lawrence County** affecting 308.0 acres. Receiving streams: Unnamed tributary to Hickory Run and an unnamed tributary to Mahoning River. Application received: May 10, 2019. Permit Issued: January 7, 2020.

**37082801. Beyond Corp., LLC** (2905 Hillsville Road, Edinburg, PA 16116). Final bond release for a small noncoal mining operation in Mahoning Township, **Lawrence County**. Restoration of 5.0 acres completed. Receiving streams: Mahoning River. Application Received: January 28, 2020. Final bond release approved: February 7, 2020.

**42020801. Dustin Johnson** (5629 Route 6, Kane, PA 16735). Final bond release for a small noncoal mining operation in Wetmore Township, **McKean County**. Restoration of 2.9 acres completed. Receiving streams: Tributary to South Branch of Kinzua Creek. Application Received: January 10, 2020. Final bond release approved: February 4, 2020.

**16082803. Ron Nick Excavating** (420 Nick Lane, Lucinda, PA 16235). Final bond release for a small noncoal mining operation in Paint and Knox Townships, **Clarion County**. Restoration of 3.0 acres completed. Receiving streams: Tributary to Deer Creek. Application Received: December 12, 2019. Final bond release approved: February 10, 2020.

**25130303. Wilkinson Aggregates, Inc.** (P.O. Box 703, Meadville, PA 16335), transfer of an existing large industrial minerals surface mine from Raymond D. Showman & Sons, Inc. in LeBoeuf Township, **Erie County** affecting 156.1 acres. Receiving streams: Unnamed tributary to French Creek. Application received: July 29, 2019. Permit Issued: February 11, 2020.

**PAM619007. Wilkinson Aggregates, Inc.** (P.O. Box 703, Meadville, PA 16335), coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on Surface Mining Permit No. 25130303 in LeBoeuf Township, **Erie County**. Receiving streams: Unnamed tributary to French Creek. Application received: July 29, 2019. Permit Issued: February 11, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 7174SM1C9. Hempt Brothers, Inc.** (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation to approve mine reclamation fill for reclamation in Steelton Borough, Swatara and Lower Swatara Townships, **Dauphin County** affecting 312.3 acres: Receiving stream: unnamed tributary to Susquehanna River. Application received: February 15, 2019. Correction issued: February 20, 2020.

**Permit No. 7475SM34C10 and NPDES Permit No. PA0121592. Lehigh Cement Co., LLC** (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper and Lower Nazareth Townships, **Northampton County**. Receiving stream: unnamed tributary to East Branch Monocacy Creek. Application Received: June 24, 2019. Correction issued: February 21, 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*

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**02204101. M & J Explosive, LLC**, P.O. Box 1248, Carlisle, PA 17013-6248. Blasting activity permit for construction of a residential development, located in South Fayette Township, **Allegheny County**, with an expiration date of February 12, 2021. Permit issued: February 18, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 36204106. Keystone Blasting Service** (15 Hopeland Road, Lititz, PA 17543), construction blasting at 426 Glen Mar Avenue in Earl Township, **Lancaster County** with an expiration date of February 28, 2021. Permit issued: February 19, 2020.

**Permit No. 40204102. Maurer & Scott Sales, Inc.** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Humbolt Industrial Park Lot 106 in Hazle Township, **Luzerne County** with an expiration date of December 31, 2020. Permit issued: February 19, 2020.

**Permit No. 48204103. Schlouch, Inc.** (P.O. Box 69, Blandon, PA 19510), construction blasting for Lehigh Valley Health Network Nazareth Campus in Lower Nazareth Township, **Northampton County** with an expiration date of February 13, 2021. Permit issued: February 19, 2020.

**Permit No. 67204101. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Strinestown Sheets in Conewago Township, **York County** with an expiration date of February 13, 2021. Permit issued: February 19, 2020.

**Permit No. 46204101. M3 Explo, LLC** (P.O. Box 528, Brownsville, PA 15417), construction blasting for Smoke in Hatfield Borough, **Montgomery County** with an expiration date of February 17, 2021. Permit issued: February 20, 2020.

**Permit No. 06204101. M3 Explo, LLC** (P.O. Box 528, Brownsville, PA 15417), construction blasting for Amerigas in Heidelberg Township, **Berks County** with an expiration date of February 18, 2021. Permit issued: February 21, 2020.

**Permit No. 38204102. Keystone Blasting Service** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Strathford Meadows in South Lebanon Township, **Lebanon County** with an expiration date of February 28, 2021. Permit issued: February 21, 2020.

**Permit No. 40204103. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for White Birch Road in Hazle Township, **Luzerne County** with an expiration date of February 17, 2021. Permit issued: February 21, 2020.

**Permit No. 67204103. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Laughman Core 5 in Manchester Township, **York County** with an expiration date of February 20, 2021. Permit issued: February 21, 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 one. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. §§ 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

*Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.*

**Permit No. E15-917, PECO Energy Company**, 2301 Market Street, N3-3, Philadelphia, PA 19103, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain 120 LF of a 6-inch plastic gas main in and along the assumed 100-year floodway of Crow Creek (WWF, MF) utilizing an open trench method. Impacts include 650 square feet of temporary floodway impact and 60 square feet of permanent floodway impacts.

The site is located near the intersection of Croton and Knox Roads in a local historic district listed on National Register Historic Places (Tredyffrin, PA, USGS Map, Latitude: 40.064096; -75.397523) in Tredyffrin Township, Chester County.

**Permit No. E46-1195, Stoudt's Ferry Preparation Company**, P.O. Box 279, St. Clair, PA 17970, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

To demolish and remove an existing temporary access road stream crossing including accumulated material and to restore the disturbed areas along the Crow Creek (WWF, MF) associated with the expired Temporary Road Crossing General Permit GP-8. The site is located about 50 feet north of Abrams Road abuts the railroad track (Valley Forge, PA USGS Quadrangle, Latitude: 40.115229; Longitude: -75.380202) in Upper Merion Township, Montgomery County.

*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.*

**E3502219-004. Lackawanna County**, 1280 Mid Valley Drive, Jessup, PA 18434. Greenfield Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Lee Road (T-572) Structure Replacement over Dundaff Creek (CWF, MF):

1) To remove an existing dual CMP culvert stream crossing and to construct and maintain a 28.6-foot long, 22.0-foot span single cell precast concrete box culvert crossing of Dundaff Creek (CWF, MF) having a 6.0-foot underclearance to the normal flow elevation, riprap, and precast concrete upstream and downstream wingwalls. The proposed culvert crossing, and roadway alignment will be relocated approximately 60-feet upstream of the existing crossing.

2) To relocate approximately 206 linear feet of a UNT to Dundaff Creek (CWF, MF). The unnamed tributary is being relocated slightly east, due to the embankment grading associated with the new crossing of Dundaff Creek (CWF, MF). The new channel will be seeded and lined gravel and cobble to mimic a natural stream bed.

3) To place fill in 0.27 acre of the floodway of Dundaff Creek (CWF, MF) for the construction of the new culvert crossing and channel realignment.

4) To construct 2 rock cross vanes above and below the new culvert for grade control and fish habitat enhancement in Dundaff Creek.

The project is located north of the intersection of Lee Road (T-572) and SR 0106 in Greenfield Township, Lackawanna County.

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**GP056500219-028 and GP086500219-006.** The project is located in Salem, Hempfield, and Penn Townships, **Westmoreland County**, in the Army Corps of Engineers Pittsburgh District. The proposed project starts at State Route 22 (Latitude: 40°, 20', 43.019"; Longitude: 79°, 35', 17.825") and ends at Gas Company Lane (Latitude: 40°, 24', 1.835"; Longitude: 79°, 33', 17.716").

The proposed project impacts in Westmoreland include a total of 193 feet of temporary impacts and 584 linear feet of permanent impacts to Beaver Run (HQ-CWF), UNTs to Beaver Run (HQ-CWF), and UNTs to Brush Creek (TSF); 2.067 acres of floodway impacts; 0.073 acre of temporary impacts to PEM and PUB wetlands and 0.234 acre of permanent impacts to PEM wetlands. Mitigation will include restoring the disturbed area back to its original condition and elevation and stabilizing the disturbed area.

**E02052-1811, Borough of Oakmont**, 767 Fifth Street, Oakmont, PA 15139, Oakmont Borough, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Place and maintain fill over culverted UNT # 1 to Plum Creek (WWF). Permanent impacts will include 10 LF of stream and 50 SF of floodway (JP-1);

2. Place and maintain fill within floodway (0.64 acre) of Plum Creek (WWF). Permanent floodway impacts will include the following: 5,600 SQ FT (JP-2), 2,250 SQ FT (JP-3), 16,000 SQ FT (JP-4), and 4,000 SQ FT (JP-6);

3. Place and maintain fill over culverted UNT # 2 to Plum Creek (WWF). Permanent impacts will include 10 LF of stream and 50 SF of floodway (JP-5);

4. Construct and maintain a steel frame bridge with a length of 80-feet and a width of 12-feet across Plum Creek (WWF) (JP-7); and

5. Construct and maintain concrete bridge abutments within floodway of Plum Creek (WWF). Permanent impacts will include 750 SQ FT of floodway (JP-7).

For the purpose of constructing, maintaining, and operating a 6,469 linear feet of multi-use trail, an 80 LF pedestrian bridge, a bicycle pump track, installation of field lighting and installation of an outfield fence at the Creekside Park baseball field, and all appropriate stormwater management infrastructure within the floodway of Plum Creek (WWF). Due to the nature of the project, compensatory mitigation is not required. The project site is located at 100 Dark Hollow Road, Oakmont, PA 15139 (New Kensington—West, PA USGS topographic quadrangle; N: 40°, 30', 45"; W: -79°, 49', 46"; Sub-basin 18A; USACE Pittsburgh District), in Oakmont Borough, Allegheny County.

**E63051-738, PennDOT District 12-0**, 825 North Galatin Avenue Extension, Uniontown, PA 15401, South Strabane Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

To plug and abandon the existing 24-inch diameter drainage outfall pipe having less than 100-acre contributory drainage to the pipe. The existing pipe is approximately 304 LF, originating at the Type M inlet in the infield for the SR 0079/SR 0070 Exit 21.

To construct and maintain a 36-inch diameter stormwater outfall pipe, DW Endwall, and rock apron, having a total length of approximately 185 LF. The permanent impact to unnamed tributary of Little Chartiers Creek (HQ-WWF) will be 12 LF wide by 20 LF

long. The temporary impact for the installation of the outfall will be approximately 115 LF wide by 20 LF long for construction activity and stream diversion. The UNT to Little Chartiers Creek has a drainage area of approximately 1,172 acres at the outfall location.

**E65052-1001, Municipal Sanitary Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068, New Kensington City, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Fill and maintain 0.83 acre within the floodplain of Pucketa Creek & Little Pucketa Creek (TSF).
2. Temporarily impact 0.38 acre of floodway of Pucketa Creek & Little Pucketa Creek (TSF)

For the purposes of expanding the existing Municipal Sanitary Authority of the City of New Kensington's Wastewater Treatment Plant to increase the wet weather capacity and provide treatment for up to 20 million gallons per day for peak flows.

The project site is located on Industrial Boulevard, one mile from the intersection with PA 0056 east (New Kensington West, PA USGS topographic quadrangle; N: 40°, 33', 09"; W: -79°, 45', 36"; Sub-basin 18A; USACE Pittsburgh District), in the City of New Kensington, Westmoreland County.

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

**E0306119-003, PADOT, Engineering District 10-0**, 2550 Oakland Ave., Indiana, PA 15701, S.R. 1032 Segment 0010 Slide Repair, in Boggs Township, **Armstrong County**, ACOE Pittsburgh District (Templeton, PA Quadrangle N: 40°, 52', 36.2"; W: 79°, 27', 48.2").

To construct and maintain 288 linear feet of permanent rock fill and stream bank protection along North Fork Pine Creek (HQ-CWF) in Boggs Township, Armstrong County (Templeton PA Quadrangle N: 40° 52' 36.2"; W: 79° 27' 48.2") to repair an existing landslide and provide safe travel along SR 1032, Section SLD, Segment 0040. A portion of North Fork Pine Creek is to be relocated slightly south to construct a stable roadway embankment and log vanes will be installed for stream bank protection. The project will result in 288-ft of permanent stream impacts and 386-ft of temporary stream impacts to North Fork Pine Creek. No wetland impacts are authorized.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. E5829-149, Cabot Oil and Gas Corporation**, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Natural Gas Well Site. Springville Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

- 1) permanent well pad fill impacting 6,689 square feet (0.15 acre) of an agricultural Palustrine Emergent Wetland (PEM) swale (Springville, PA Quadrangle; Latitude: 41° 41' 51", Longitude: -75° 57' 33").

The project consists of expanding an existing well site for Marcellus Shall natural gas resource development in Springville Township, Susquehanna County. The project will result in 6,689 square feet (0.15 acre) of impacts to a Palustrine Emergent Wetland (PEM); and, will result in permanent wetland creation of 6,706 square feet (0.15

acre) of on-site Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 41' 54", Longitude: -75° 57' 37").

**E08-506. Bradford County Real Estate Partners, LLC**, 111 West 19th Street, 8th Floor, New York, NY 10011, Natural Gas Processing Plant, in Wyalusing Township, **Bradford County**. ACOE Baltimore District (Laceyville, PA Quadrangle; Latitude: 41° 39' 17.32"; Longitude 76° 14' 11.73").

It has come to the Department's attention that although Permit E08-506 was previously issued on July 3, 2019, notice of that action was not formally published in the *Pennsylvania Bulletin*. It should have appeared as follows:

To construct, operate, and maintain:

1. A 96-foot-long, 28-foot-wide by 9-foot-high arch culvert impacting 1,003 square feet (0.02 ac) of palustrine emergent (PEM) wetland (41.654228°N, 76.236253°W),
2. A single-span steel truss bridge having a span of 115 feet and associated fill impacting 1,818 square feet (0.04 ac) of palustrine scrub-shrub (PSS) wetland (41.655265°N, 76.234796°W),
3. A single-span steel beam bridge having a span of 82 feet and an under-clearance of approximately 8.3 feet and associated fill impacting 36 linear feet of an unnamed tributary to the Susquehanna River (CWF) (41.655902°N, 76.230836°W),
4. Permanent fill impacting 8,480 square feet (0.19 ac) of palustrine emergent (PEM) wetland (41.654490°N, 76.231976°W),
5. Permanent fill impacting 297 square feet (0.01 ac) of palustrine scrub-shrub (PSS) wetland (41.654333°N, 76.230956°W),
6. Permanent fill impacting 12,158 square feet (0.28 ac) of palustrine scrub-shrub (PSS) wetland (41.653782°N, 76.231937°W),
7. Permanent fill impacting 457 square feet (0.01 ac) of palustrine emergent (PEM) wetland (41.653529°N, 76.230602°W),
8. Permanent fill impacting 1,239 square feet (0.03 ac) of palustrine emergent (PEM) wetland (41.654000°N, 76.230032°W),
9. Permanent fill impacting 3,163 square feet (0.07 ac) of palustrine emergent (PEM) wetland (41.654167°N, 76.230137°W),
10. Permanent fill impacting 2,708 square feet (0.06 ac) of the floodway of an unnamed tributary to the Susquehanna River (CWF) (41.661100°N, 76.224800°W),
11. Excavation impacting 975 square feet (0.02 ac) of palustrine emergent (PEM) wetland (41.658782°N, 76.227965°W),
12. Excavation impacting 1,452 square feet (0.03 ac) of palustrine emergent (PEM) wetland (41.659323°N, 76.228608°W),
13. Excavation impacting 167 ft of an unnamed tributary to the Susquehanna River (CWF) (41.659087°N, 76.228233°W),

The project will result in 203 linear feet of permanent stream impact, 18,449 square feet (0.42 ac) of permanent floodway impact, 2,427 square feet (0.06 ac) of temporary wetland impact, and 28,615 square feet (0.66 ac) of permanent wetland impact for the purpose of constructing a natural gas processing facility that will receive local

natural gas via pipeline; process this gas to remove impurities and cool it to liquid form, making it distributable to commercial markets; and load the liquefied natural gas for distribution. The project also proposes 3.15 acres of wetland mitigation.

### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**EA67-033: Izaak Walton League of America**, York, PA Chapter 67, 7131 Ironstone Hill Road, Dallastown, PA 17313, Chanceford & Windsor Townships, **York County**, ACOE Baltimore District.

To restore and maintain 2,054 linear feet of Pine Run (CWF-MF) and its floodplain by use of channel relocations, log vanes, J-hooks, cross vanes, channel grading, toe wood, and floodplain grading. The project also proposes the installation of stable agricultural crossings. The project is located immediately south of the intersection of Brownton Road and Runkle Road in Chanceford and Windsor Townships, York County (39.8699°, -76.5629°). Permit issued February 14, 2020.

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-3 # ESG072619003-00  
Applicant Name Chevron Appalachia, LLC  
Contact Person Branden Weimer  
Address 700 Cherrington Parkway  
City, State, Zip Coraopolis, PA 15108  
County Fayette  
Township(s) Luzerne  
Receiving Stream(s) and Classification(s) Primary Watershed(s): UNTs to Rush Run (WWF).  
Secondary Watershed(s): Rush Run (WWF).

ESCGP-3 # ESX14-125-0069 Major Modification  
Applicant Name MarkWest Liberty Midstream & Resources, LLC  
Contact Person Rick Lowry  
Address 4600 J. Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Donegal, West Finley  
Receiving Stream(s) and Classification(s) Primary Watershed(s): UNTS to Middle Wheeling Creek (WWF), Middle Wheeling Creek (WWF)  
Secondary Watershed(s): Middle Wheeling Creek (WWF), Ohio River (WWF).

*Northwest Region: Oil and Gas Management, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6860.*

*Contact Mary Slye, Clerical Supervisor, 814-332-6325.*

ESCGP-3 # ESG084219004-00—Heartwood 2  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County McKean  
Township(s) Keating  
Receiving Stream(s) and Classification(s) UNT to Kinzua Creek CWF  
Secondary Kinzua Creek CWF

ESCGP-3 # ESG080319014-00/Schrecengost Freshwater Impoundment  
Applicant Name Exco Resources  
Contact Person Brian Rushe  
Address 13448 State Route 422, Suite 1  
City, State, Zip Kittanning, PA 16201  
County Armstrong  
Township(s) Rayburn  
Receiving Stream(s) and Classification(s) UNT to Cowanshannock Creek WWF Cowanshannock Creek TSF

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical re-



sults 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.*

**Square One 107**, Storage Tank ID # 48-32602, 249 South Broadway, Wind Gap, PA 18091, Wind Gap Borough, **Northampton County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Brenda Rosado, 2432 Emrick Boulevard, Bethlehem, PA 18020, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide Health Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Chestnut & Line Mifflinburg**, Storage Tank Facility ID # 60-13411, 29 E Chestnut St, Mifflinburg Borough, **Union County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Fl, Royersford, PA 19468, on behalf of CrossAmerica Partners, LP, 600 Hamilton St., Suite 500, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Non-Residential Statewide Health Standard.

**Sunoco Station # 0364-1306**, Storage Tank Facility ID # 60-24100, Buffalo Road & Derr Drive, Lewisburg Borough, **Union County**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19481, on behalf of Sunoco LLC, c/o Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Non-Residential Site-Specific Standard.

**Former Hawk Run Grocery**, Storage Tank Facility ID # 17-08878, 1545 Troy Hawk Run Highway, Morris Township, **Clearfield County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Mr. James Moslak, 209 Old Turnpike Road, Munson, PA 16860, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and kerosene. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**F&E Rentals**, Storage Tank Primary Facility ID # 11-32072, 830 West High Street, Ebensburg, PA 15931-1849, Ebensburg Borough, **Cambria County**. P. Joseph Lehman, Inc. Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of C&J Falchini, 840 High Street, Ebensburg, PA 15931-1849, 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.

**Pevarnik Brothers, Inc.**, Storage Tank Primary Facility ID # 65-17195, 1302 Memorial Drive, Latrobe, PA 15650, Latrobe Borough, **Westmoreland County**. Keystone Environmental Health and Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16601, on behalf of Pevarnik Brothers Inc., 1302 Memorial Drive, Latrobe, PA 15650, 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 nonresidential site-specific standard.

**Ben Avon Mini Mart**, Storage Tank Primary Facility ID # 02-36089, 200 Division Avenue, Pittsburgh, PA 15202, Ben Avon Borough, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Halp Enterprise, Inc., 200 Division Avenue, Pittsburgh, PA 15202, submitted a Revised 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 site-specific standard.

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

**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 plan is intended to document the remedial actions for meeting the Statewide Health Standard.

**McEwen Oil**, Storage Tank Facility ID # 43-00119, 357 North Perry Highway, Coolspring Township, **Mercer County**. AECOM, Foster Plaza 6, Suite 400, 681 Andersen Drive, Pittsburgh, PA 15220 on behalf of Russell McEwen, 357 North Perry Highway, Mercer, PA 16137 and the PA Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335, submitted a Remedial Action Plan/Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, naphthalene, methyl tertiary butyl ether, isopropylbenzene, 1,2,4- and 1,3,5- trimethylbenzenes, 1,2-dibromoethane, 1,2-dichloroethane, and lead. The report is intended to document the remedial actions for meeting the Site-Specific Standard.

**Cunningham Chrysler Plymouth**, Storage Tank Facility ID # 25-10059, Cunningham Chrysler Plymouth, North East Borough, **Erie County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on

behalf of Cunningham Chrysler Plymouth, 85 West Main Street, North East, PA 16428, 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, 1,3,5-trimethylbenzene, 1,2-dichloroethane, 1,2-dibromoethane, and lead. The plan is intended to document the remedial actions for meeting the Statewide Health Standard.

**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 plan is intended to document the remedial actions for meeting the Statewide Health Standard.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Go Save Gas**, Storage Tank Facility ID # 67-61462, 5295 Susquehanna Trail, York, PA 17402, Conewago Township, **York County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Former Go Save Gas, 5295 North Susquehanna Trail, York, PA 17402 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide Health Standard and the Site-Specific Standard.

**Getty Service Station # 69497**, Storage Tank Facility ID # 36-22488, 2990 North Reading Road (Route 272), Adamstown, PA 19501, East Cocalico Township, **Lancaster County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002 on behalf of Getty Property Corporation, Two Jericho Plaza, Suite 110, Wing C, Jericho, NY 11753 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the

remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Fowler Oil Company Texaco G**, Storage Tank ID # 64-08951, 300 Willow Avenue, Honesdale Borough, **Wayne County**. B&B Diversified Enterprises, P.O. Box 70, Barto, PA 19504, on behalf of Fowler Oil Company, 831 Fair Avenue, Honesdale, PA 18431, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet Statewide Health Standards and was approved by DEP on February 24, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Kwik Fill Station # M-202**, Storage Tank Facility ID # 17-28130, 87 Rolling Stone Road, Kylertown, Cooper Township, **Clearfield County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of Pennsylvania, 814 Lexington Ave, P.O. Box 688, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Diesel fuel. The Remedial Action Plan was acceptable to meet the Residential Statewide Health Standard and was approved by the Department on January 27, 2020.

**Former Hawk Run Grocery**, Storage Tank Facility ID # 17-08878, 1545 Troy Hawk Run Highway, Morris Township, **Clearfield County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Mr. James Moslak, 209 Old Turnpike Road, Munson, PA 16860, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and kerosene. The Remedial Action Completion Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 11, 2020.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**TJ's Deli Mart # 3**, Storage Tank Primary Facility ID # 02-12446, First Street and Clinton Avenue, Oakdale, PA 15071, Oakdale Borough, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Kehm Oil Company, P.O. Box 130, Oakdale, PA 15071, submitted a Remedial Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the residential site-specific standard and was approved on February 18, 2020.

**Former Gulf Service Station # 143399/Tyke's Citgo**, Storage Tank, Primary Facility ID # 02-37141 (also 02-09226), 4020 William Penn Highway, Monroeville, PA 15146, Municipality of Monroeville, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848, on behalf of Key Development Partners, LLC, Chicago, IL submitted a Revised Remedial Action Plan and Revised Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the site-specific standard and was approved on February 19, 2020.

**Sunoco Facility # 0002-1899**, Storage Tank Facility ID # 65-20341, 506 South 4th Street, Youngwood, PA 15697, Youngwood Borough, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the residential Statewide Health Standard and was approved on January 24, 2020.

**Penelec-Richland OFC**, Storage Tank Primary Facility ID # 11-21143, 311 Industrial Park Road, Johnstown, PA 15904, Richland Township, **Cambria County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Pennsylvania Electric Company, 800 Cabin Hill Drive, Greensburg, PA 15601, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the Statewide Health Standard and was approved on January 24, 2020.

**Stahl Oil**, Storage Tank Primary Facility ID # 56-81539, 659 Berlin Plank Road, Somerset, PA 15501-2417, Somerset Township, **Somerset County**. P. Joseph Lehman, Inc., Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Stahl Oil Co. Inc., P.O. Box 773, Somerset, PA 15501-0773, submitted a Site Characterization Report/Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan was acceptable to meet the Statewide Health Standard and was approved on February 24, 2020.

**Getgo # 3487**, Storage Tank Primary Facility ID # 02-32168, 801 Mount Royal Boulevard, Pittsburgh, PA 15213, Shaler Township, **Allegheny County**. BJAAM Environmental, Inc., P.O. Box 411, 336 College Avenue, Suite 201, Beaver, PA 15009, on behalf of Giant Eagle, Inc., 701 Alpha Drive, Pittsburgh, PA 15238, submitted a

Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan was acceptable to meet the Statewide Health Standard and was approved on February 24, 2020.

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## SPECIAL NOTICES

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### AIR QUALITY

*City of Philadelphia—Public Health, Philadelphia Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104-4543.*

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#### 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.

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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).

*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 tempera-

ture 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 above 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 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.

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**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 the following RACT II Plan Approval Permit: IP16-000246.**

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Approval of a Reasonably Available Control Technology (RACT II) plan for **Exelon Generation Company—Richmond Generating Station** located at 3901 North Delaware Avenue, Philadelphia, PA 19137.

In accordance with 25 Pa. Code §§ 129.96—129.100, AMS has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Richmond Generating Station facility owned and operated by Exelon Generation Company 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 II approval for the facility, which are intended to satisfy the requirements for the 2008 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the RACT II Plan Approval IP16-000246 for the facility. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit 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 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:

Source	RACT II Requirement
Two (2) General Electric Frame 7B combustion turbines, each combusting # 2 oil and kerosene. The nominal output for each is 66 megawatts (MW), each equivalent to 838 MMBtu/hr.	<ol style="list-style-type: none"> <li>1. The Combustion Turbines shall be maintained and operated in accordance with manufacturer's specifications.</li> <li>2. The following testing engines and gas turbines will continue to adhere to the following NO<sub>x</sub> emission limits as listed below:                             <ol style="list-style-type: none"> <li>a. 0.68 lb/MMBtu</li> <li>b. 569.84 lbs/hr</li> </ol> </li> <li>3. Each unit shall adhere to a 15% Maximum Rolling 12-Month Capacity Factor as defined in 25 Pa. Code § 129.97(c)(7)(ii).</li> <li>4. Each unit shall be tested to demonstrate compliance with its respective NO<sub>x</sub> emission limit one time in each 5-year calendar period.</li> </ol>

The plan approval also contains monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of the application, AMS 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 Spelman Building, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. 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 Chief of Source Registration, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. A 30-day comment period from the date of publication of this notice 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.

**Public hearing.** A public hearing will be held if requested by 30 days from this publication date to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on April 9, 2020 at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please provide a written request to "Chief of Source Registration" to the above address the within 30 days from this publication date.

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-notices/>.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Henry Kim at (215)-685-9439 to discuss how AMS may accommodate your needs.

**Notice of Proposed Revision to the State Implementation Plan (SIP) for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue the following Reasonably Available Control Technology (RACT II) Plan Approval Permit No. IP16-000233.**

Approval of a RACT II Plan Approval for **Kinder Morgan Liquid Terminals (KMLT)—Philadelphia Terminal**, 3300 N. Delaware Ave., Philadelphia, PA 19134, **Philadelphia County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, AMS has made a preliminary determination to approve a RACT II Plan Approval and an amendment to the SIP for the KMLT—Philadelphia Terminal owned and operated by KMLT, 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 2008 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. IP16-000233 for KMLT. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit 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 SIP 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:

**Tank/Truck Loading Operations:** (1) Volatile Organic Compounds (VOC) liquids with a Reid Vapor Pressure (RVP) greater than or equal to 4.0 pounds per square inch (psi) shall only be loaded into tank car/truck loading positions connected to a control device complying with 0.0668 pounds (30.3 grams) of organic liquids (measured as propane) are emitted to the atmosphere for every 100 gallons (380 liters) of liquids loaded. (2) The total combined VOC emissions from all controlled tank car/truck loading rack positions at the facility shall be less than 57.0 pounds per hour (lbs/hr). (3) The total combined VOC emissions from all "uncontrolled tank car/truck loading positions" at the facility combined shall be limited to 129 tons per 12-month rolling period. (4) VOC emissions from each "uncontrolled tank car/truck loading position" shall not exceed 9.0 tons per 12 month rolling period. (5) VOC emissions from each "uncontrolled tank car/truck loading position" shall not exceed 18.1 lbs/hr.

**Marine Loading Operations:** (1) Marine vessel loading operations shall not process petroleum distillate with a vapor pressure (vp) of 4.0 RVP or greater. (2) VOC emissions from marine vessel loading operations shall not exceed 51 tons per 12-month rolling period. (3) Uncon-

trolled VOCs emissions from vessel loading of commodities with a vp equal to or greater than 1.57 psia at 20 degrees C, including fuel grade ethanol, shall not exceed 10,000,000 gallons or 4.0 tons of VOC emissions 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 plan approvals/operating permits are available for public review during normal business hours at the Spelman Building, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. 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 Chief of Source Registration, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. A 30-day comment period from the date of publication of this notice 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.

*Public hearing.* A public hearing will be held if requested within 30 days of this publication to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on April 9, 2020 at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please provide a written request to "Chief of Source Registration" to the above address the within 30 days from this publication date.

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-notices/>. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate your needs.

#### WASTE MANAGEMENT

##### **Request for Proposals for Municipal Solid Waste Disposal/Processing Capacity and Support of Material Management Objectives.**

The following notice is placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act.

#### **MERCER COUNTY BOARD OF COMMISSIONERS**

##### **MERCER, PA**

In accordance with 25 Pa. Code § 272.225, Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Mercer County Board of Commissioners has determined through its planning process that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. In addition, the planning process identified certain goals and objectives to further sustainable material management in the County. The

Mercer County Board of Commissioners is hereby soliciting proposals for disposal capacity for County generated MSW and support mechanisms for the Material Management goals of the MSW Plan from 2020 to 2029. Text of the advertisement for this Request for Proposals (RFP) can be obtained from the Mercer County web site at <https://www.mcc.co.mercer.pa.us/rfp>. A copy of the RFP can be obtained from project consultant Michele Nestor, President, Nestor Resources, Valencia, PA 16059, at [michele@nestorresources.com](mailto:michele@nestorresources.com).

#### **SOLICITATION FOR MUNICIPAL SOLID WASTE DISPOSAL SERVICES**

The Mercer County Board of Commissioners will receive sealed proposals until 11:00 a.m., prevailing time on Thursday, May 7, 2020. All sealed proposals must include an executed Representations and Certifications Affidavit as provided in Section 5 of the proposal package. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit two (2) original printed copies of the Proposal and one electronic formatted copy on a flash drive to Mercer County Controller's Office at the address listed below. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Mercer County Controller's Office, 2 Mercer County Courthouse, Mercer, PA 16137. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. Mercer County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

#### **WATER MANAGEMENT**

##### **Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Line 1711 Cathodic Protection.**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, P.E., Program Manager 412.442.4149.*

**WQ65052-002, Columbia Gas Transmission, LLC (Applicant)**, 1700 MacCorkle Avenue, SE, Charleston, WV 25325. Line 1711 Cathodic Protection 2019 Project (Project), North Huntington, Hempfield, Penn, Salem, Loyalhanna Townships, **Westmoreland County**, in the Army Corps of Engineers (ACOE) Pittsburgh District. The proposed project starts to the east of the Pennsylvania Turnpike 76 between Arona Road in Irwin, PA Quadrangle at N: 40° 18' 12.54"; W: 79° 45' 10.30" and ends west of Moween Road before the Conemaugh River in Saltsburg, PA Quadrangle at N: 40° 28' 38.54"; W: 79° 25' 40.08".

The Applicant will report the project to Federal Energy Regulatory Commission (FERC) in its annual blanket activities report, as authorized under blanket construction certificate (FERC Docket No. CP83-76-000) dated November 9, 1982.

On May 26, 2019, Applicant requested a State water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards

and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, involves adding a cathodic protection system which includes the installation of 120 individual anodes, recoating a total of 914 feet of the existing pipeline in five sections, and the installation of 2,246 feet of linear anode via horizontal direction drilling (HDD) along a total of approximately 21 miles of the existing 16-inch natural gas Line 1711 pipeline. The Project, as proposed, will require approximately 21.2 acres of earth disturbance, and temporary impacts of 44 linear feet to two UNTs to Getty Run (WWF), 0.01 acre of permanent PEM wetland impacts, 0.11 acre of temporary PEM wetland impacts, 0.04 acre of permanent floodway impacts, 0.54 acre of temporary floodway impacts, and no permanent stream impacts. Mitigation will include restoring the disturbed area back to its original condition and elevation and stabilizing the disturbed area.

PADEP published notice of its proposed State Water Quality Certification in the *Pennsylvania Bulletin* on September 7, 2019 (Pa.B., Vol. 49, No. 36) and received no comments from the public.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the project does not violate applicable Pennsylvania water quality standards provided that the construction, operation and maintenance of the Project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 105, and all other applicable implementing regulations.

2. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), 25 Pa. Code Chapter 105, 25 Pa. Code Chapter 106, and all other applicable regulations.

3. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall properly operate and maintain at all times all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or delegated County Conservation District to determine compliance with this SWQC, including all required permits, authorizations and approvals required by this State Water Quality Certification. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to DEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Dana Drake, P.E., Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

10. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

11. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

**Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the JP-40 Pipeline Replacement.**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, P.E., Program Manager 412.442.4149.*

**WQ65052-003, Dominion Energy Transmission, Inc. (Applicant)**, 5000 Dominion Boulevard, Glen Allen, VA 23060. JP-40 Pipeline Replacement (Project), in Salem, Hempfield, and Penn Townships, **Westmoreland County**, in the Army Corps of Engineers Pittsburgh District. The proposed project starts at State Route 22 (Slickville, PA Quadrangle N: 40°, 20', 43.019"; W: -79°, 35', 17.825") and ends at Gas Company Lane (Greensburg, PA Quadrangle N: 40°, 24', 1.835"; W: -79°, 33', 17.716").

The Applicant will report the project to Federal Energy Regulatory Commission (FERC) in its annual blanket activities report as authorized under blanket construction certificate (FERC Docket No. CP82-537-000 dated November 3, 1982).

On June 28, 2019, Applicant requested a State Water Quality Certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes the removal and replacement of approximately 3.9 miles of the 20-inch JP-40 (three segments) and 6-inch JP-57 pipelines, and two drip locations for the purpose of upgrading existing infrastructure to comply with federal pipeline safety standards.

The Project, as proposed, will require approximately 46 acres of earth disturbance, and impacts to 777 linear feet of Beaver Run (HQ-CWF), UNTs to Beaver Run (HQ-CWF), and UNTs to Brush Creek (TSF), 2.067 acres of floodway, 0.073 acre of temporary PEM and PUB wetland impacts, and 0.234 acre of permanent PEM wetland impacts. Mitigation will include restoring the disturbed area back to its original condition and elevation and stabilizing the disturbed area.

PADEP published notice of its proposed State Water Quality Certification in the *Pennsylvania Bulletin* on July 13, 2019 (Pa.B., Vol. 49, No. 28) and received no comments from the public.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the project does not violate applicable Pennsylvania water quality standards provided that the construction, operation and maintenance of the Project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge Permit*—The Applicant intends to dispose of waste water generated by hydrostatic testing at an approved waste water treatment facility. If this changes,

the Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance) and all other applicable regulations.

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 105, and all other applicable implementing regulations.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), 25 Pa. Code Chapter 105, 25 Pa. Code Chapter 106, and all other applicable regulations.

4. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—Applicant shall properly operate and maintain at all times all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or delegated County Conservation District to determine compliance with this SWQC, including all required permits, authorizations and approvals required by this State Water Quality Certification. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and



new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to DEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Dana Drake, P.E., Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

10. *Reservation of Rights*—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

13. *Public Water Supply*—Applicant shall contact all active public water supply well owners located within 1/2 mile of the proposed pipeline replacement project.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

**EROSION AND SEDIMENT CONTROL**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, P.E., Program Manager 412.442.4149.*

The following Erosion and Sediment Control permits have been issued:

Permit No.	Applicant Name & Address	County	DEP Office
ESG0012919002	Dominion Energy Transmission, Inc. 5000 Dominion Blvd. Glen Allen, VA 23060	Westmoreland	Southwest Regional Office
ESG0012919003	Columbia Gas Transmission, LLC 1700 MacCorkle Ave, SE Charleston, WV 2532	Westmoreland	Southwest Regional Office

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 20-338. Filed for public inspection March 6, 2020, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Aggregate Advisory Board; Regulatory, Legislative and Technical Committee Meeting**

The Aggregate Advisory Board’s Regulatory, Legislative and Technical Committee will meet on Monday, March 30, 2020, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting will also be offered in a conference call format.

Questions concerning the March 30, 2020, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846. 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 (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. 20-339. Filed for public inspection March 6, 2020, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; Calendar Year 2019**

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under section 904 of the Municipal

Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.904). Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, 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). This application period is for eligible materials recycled and marketed in calendar year 2019.

Municipal Recycling Program Performance Grant (Performance Grant) funds will be awarded to municipalities based upon the weight of source-separated recyclable materials identified in section 1501(c)(1)(i) of Act 101 (53 P.S. § 4000.1501(c)(1)(i)) recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Due to funding available for the Recycling Performance Grant program for calendar year 2019, the funding formula will remain the same as last year which increased individual grants by an extra 20%.

For residential tonnage, municipalities that market some or all of their own material are not subject to the 20% residue deduction for those materials. Marketed means that the materials were sold to a manufacturer for the purposes of converting the recyclables into new product. Compensation/rebates from a collector or processor do not count as the marketing of materials.

Materials that go to a second-hand processor are subject to the 20% residue deduction—weight receipts from that entity cannot be considered as market receipts for the municipality (the processor cannot prorate marketed materials to one or more municipalities).

For commercial tonnage, materials that go directly from the generator to a market can be exempt from the 20% rate. Documentation must include a statement from the commercial entity or home office of the commercial entity that the materials are directly marketed without further processing. Any commercial materials that are sorted/processed after leaving the generator are subject to the 20% residue rate.

If an application is claiming an overall residue rate of less than 20%, it must describe why and supply supporting documentation to justify the claim.

Multi-municipal applications under the Act 101, Section 904 Recycling Performance Grant Program will only be accepted by the Department from the following:

A. Council of governments, consortiums or other similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A.

B. Two or more municipalities where the collection of recyclables has been accomplished either through a joint bid for services or a joint municipally-operated collection system (curbside or drop-off) accompanied by a joint recycling education program.

Any application submitted jointly to the Department by two or more municipalities that does not meet one of the previously listed criteria will be held until the participating municipalities supply individual applications. Submittals from county governments are not considered multi-municipal applications and are therefore not subject to these criteria.

Applicants who have failed to comply with the conditions set forth in previously awarded grants, the recycling program performance requirements in the act of November 9, 2006 (P.L. 1347, No. 140), of the grant requirements of Act 101 or the regulations of Act 101 may not be

awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) (relating to limits on Department's authority to award grants) regarding the submittal of the annual recycling report.

Eligible materials include post-consumer: clear glass; colored glass; aluminum cans; steel and bimetallic cans; high-grade office paper; newsprint; corrugated paper; other marketable grades of paper; and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2019, to and including December 31, 2019. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Any residues, materials not listed as eligible, or materials that cannot be documented as being generated within the municipality or marketed or recycled into new products or uses are not eligible for consideration toward the grant. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit.

Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application.

Grant applications must be submitted online through the Department of Community and Economic Development's Electronic Single Application web site, eGrants, at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us).

The Department will begin accepting applications on Saturday, March 7, 2020. Applications must be received by December 30, 2020, to be eligible for funding. Applications will not be accepted after the deadline. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Interested applicants with questions may contact Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-340. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 17(6881)101.1, Abandoned Mine Reclamation Project, Waltzvale East Waterline Extension, Gulich Township, Clearfield County.** The principal items of work and approximate quantities include: 8" PVC pipe or HDPE pipe including fittings, 8,810 linear feet; 2A stone, 4,460 cubic yards; service lateral connections, 14 each; mobilization and demobilization, 1 lump sum; and site preparation and restoration, 1 lump sum.

This bid issues on March 6, 2020, and bids will be opened on April 2, 2020, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-341. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 35(1796)103.1, Abandoned Mine Reclamation Project, Demolition at 1517 Euclid Avenue, Scranton, City of Scranton, Lackawanna County.** The principal items of work and approximate quantities include: removal and disposal of structure, 1; clean fill, 800 tons; drilling coreholes, 10 each; flowable fill, 45 cubic yards; chain link fence, 290 linear feet; and seeding, 1,000 square yards.

This bid issues on March 6, 2020, and bids will be opened on April 2, 2020, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-342. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the 2020 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2020. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations.

The procedures for calculating land reclamation bonds are described in Technical Guidance Document 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's web site at <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4601>. The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2015—2019, resulting in a rate of 1.31%. This rate of inflation will be used in calculating bond amounts for permit renewal or permit midterm bond liability reviews on or after April 1, 2020.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under subsection 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

#### *General Methodology*

The Department developed the bond rate guidelines for 2020 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998—2019. For most categories, a 3-year (2017—2019) average was used to calculate the guidelines. Some categories require another approach due to limited data. For example, there were no contracts for the years 2014—2019 that included selective grading. Therefore, a multiyear average of available data prior to 2014 was used for the 2020 selective grading bond rate.

In past years the costs for a given unit operation for each year were determined using the weighted average of the three lowest total bids for each contract. However, grading costs were determined using a frequency distribution in combination with the weighted averages. At the

request of the Mining and Reclamation Advisory Board, the costs for each unit operation were evaluated using the lowest total bid for each contract. An evaluation using the weighted average of the lowest total bid for each contract resulted in slightly lower costs than those using the weighted average of the three lowest total bids for each contract. As such, the Department will use the weighted average of the lowest total bid contract for the previous 3 years for the 2020 bond rate guidelines. The Department will continue to compare and analyze unit operation costs using the weighted average of the lowest total bid and the weighted average of the three lowest total bids.

If a unit operation necessary to calculate a reclamation bond is not listed in Tables 1 or 2, then additional cost information available may be used. Unit costs may be calculated using a standard reference like the most recent edition of *Means Building Construction Cost Data* or the most recent version of the Office of Surface Mining's *Handbook for Calculation of Reclamation Bond Amounts*. Specific unit costs may be adjusted using information provided by other stakeholders including permittee pro-

vided reclamation cost estimates which include supporting calculations such as prevailing wage costs, installation costs, and the like.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2020.

The bond rate guidelines are available at [www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Bonding/Pages/BondRates.aspx](http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Bonding/Pages/BondRates.aspx). For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### *Mine Sealing Costs*

The mine sealing bond rate guidelines are presented in Table 2.

#### *Effective Date*

The bond rate guidelines in this notice become effective April 1, 2020.

**TABLE 1**  
**Standard Bond Rate Guidelines for Year 2020**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/Demobilization	Job	4% of Direct Costs or \$40,000, whichever is less
Grading (< 500-foot push)	Cubic Yard	0.80
Load/Haul/Dump/Grading (≥ 500 feet)	Cubic Yard	1.30
Load/Haul/Dump/Grading (1,000 feet up to 1 mile) Underground and Refuse Only	Cubic Yard	2.50
Load/Haul/Dump/Grading (> 1 mile) Underground and Refuse Only	Cubic Yard	Use Standard References
Selective Grading	Acre	1,700.00
Revegetation	Acre	1,830.00
Tree Planting	Tree	0.75
Ditch Excavation	Cubic Yard	6.50
Jute Matting	Square Yard	2.25
High Velocity Erosion Control	Square Yard	2.20
AASHTO No. 1	Ton	25.00
AASHTO No. 57	Ton	32.00
R3 Rock Lining	Square Yard	31.00
R4 Rock Lining	Square Yard	40.00
R5 Rock Lining	Square Yard	28.00
Geotextile/Filter Fabric	Square Yard	2.85
Subsurface Drain	Lineal Foot	23.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump Sum (5% of Direct Costs for Site)
Pond Removal Active Phase <sup>1</sup>	Pond	3,800.00
Stage 3 Maintenance Bond Non-Cropland Areas (Land Uses Where Crop Yields are Not Required)	Acre	100.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Stage 3 Maintenance Bond Cropland (Not Row Crops) Pastureland or Land Occasional Cut for Hay (Excludes Seed Cost)	Acre	340.00
Stage 3 Maintenance Bond Cropland Area—Row Crops (Includes Seed Cost)	Acre	710.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic Yards (Embankment Volume) Plus Top Soiling and Revegetation Cost	Use < 500 Grading for Pond Embankment Volume Plus Top Soiling and Revegetation Cost for the Area Disturbed
Ditch Removal—Stage 3	Lineal Foot	0.75
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs will be Calculated Using Costs Listed in the Construction Industry's Latest Annual Cost Publications, such as <i>Means Building Construction Cost Data</i>	

**TABLE 2****Mine Sealing Bond Rate Guidelines for Year 2020**

<i>Sealing Bituminous Underground Mine Drift and Slope Openings</i>		
<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic Yard	114.00
Masonry Work	Square Foot	16.50
Fill Material and Earthwork <sup>2</sup>	Cubic Yard	19.00
Security Fencing	Lineal Foot	32.50
Mobilization Cost	Job	4% of Total Amount

<i>Sealing Bituminous Underground Mine Shaft Openings</i>		
Concrete Material	Cubic Yard	110.00
Aggregate Material	Cubic Yard	32.50
Fill Material and Earthwork <sup>2</sup>	Cubic Yard	8.50
Security Fencing	Lineal Foot	32.50
Mobilization Cost	Job	4% of Total Amount

<i>Sealing Boreholes at Bituminous Underground Mines</i>		
<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$)</i> Per Lineal Foot
12-Inch or Less Diameter	1,850	6.50
Larger than 12-Inch Diameter	2,450	9.00

<sup>1</sup> Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

<sup>2</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment, and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publication, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

**TABLE 3****Land Maintenance Financial Guarantee Fees for Year 2020**

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	1,000
Administrative	300

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 20-343. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Household Hazardous Waste Education Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Huntingdon County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at mvottero@pa.gov or (717) 772-5719.

#### Act 101, Section 901 HHW Education Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
South-central	Huntingdon	Huntingdon County	HHW Education	\$19,142

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-344. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Mining and Reclamation Advisory Board; Regulation, Legislation and Technical Committee Meeting

The Mining and Reclamation Advisory Board's Regulation, Legislation and Technical Committee will meet on Monday, March 16, 2020, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting will also be offered in a conference call format.

Questions concerning the March meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717)

783-8846. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "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. 20-345. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Planning Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Huntingdon County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at mvottero@pa.gov or (717) 772-5719.

#### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
South-central	Huntingdon	Huntingdon County	Plan Revision	\$107,200

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-346. Filed for public inspection March 6, 2020, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Ambulatory Surgical Facilities; Requests for Exceptions**

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Allegheny Health Network Monroeville Surgery Center	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)
North Pointe Surgery Center—Lebanon	28 Pa. Code § 551.21(d)
St. Luke's Endoscopy Center—Buxmont	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients
	28 Pa. Code § 555.31(a) (relating to principle), regarding anesthesia services (propofol)
Village SurgiCenter, L.P.	28 Pa. Code § 551.21
The Urologic Surgical Center, LLC	28 Pa. Code § 551.3
Midlantic Urology Surgery Center, LLC	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Penn Highlands DuBois Surgery Center	28 Pa. Code § 567.3(b)(3) (relating to policies and procedures)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-347. Filed for public inspection March 6, 2020, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Hospitals; Requests for Exceptions**

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
LECOM Health Corry Memorial Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography)
Temple University Hospital, Inc.	28 Pa. Code § 51.23
Surgical Specialty Center at Coordinated Health	28 Pa. Code § 107.61 (relating to written orders)
	28 Pa. Code § 111.27(b) (relating to nutritional aspects of patient care)
Coordinated Health Orthopedic Hospital, LLC	28 Pa. Code § 111.27(b)
	28 Pa. Code § 107.61
Penn Highlands Elk	28 Pa. Code § 109.2 (relating to director of nursing services)
Lock Haven Hospital	28 Pa. Code § 103.31 (relating to the chief executive officer)

<i>Facility Name</i>	<i>Regulation and relating to</i>
UPMC Susquehanna Muncy	28 Pa. Code § 103.31
UPMC Jameson	28 Pa. Code § 149.3 (relating to facilities)
UPMC McKeesport	28 Pa. Code § 149.3
UPMC Bedford	28 Pa. Code § 149.3

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>
Geisinger Medical Center	2.1-3.4.2.2(2)(c) (relating to space requirements)
Wayne Memorial Hospital	2.1-4.2.3.3 (relating to hazardous drug IV preparation room)
Geisinger-Lewistown Hospital	2.1-2.2.5 (relating to hand-washing station in the patient room)
	2.2.2.2.2 (relating to patient room)
Einstein Medical Center Montgomery	Guidelines for perinatal care—NICU space requirements—8th Edition Page 73
UPMC Pinnacle Hospitals	2.1-3.2.1.2(2)(a)(ii) (relating to single-patient examination/observation room)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, 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. 20-348. Filed for public inspection March 6, 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):

Chambers Pointe Health Care Center  
1425 Philadelphia Avenue  
Chambersburg, PA 17201  
FAC ID # 064902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Beaumont at Bryn Mawr  
601 North Ithan Avenue  
Bryn Mawr, PA 19010  
FAC ID # 026802

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 Facil-

ities, 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. 20-349. Filed for public inspection March 6, 2020, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Nursing Home Patient Safety Trust Fund Surcharge Assessment Procedure

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P.S. §§ 1303.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P.S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year.

Initially, the surcharge was assessed on ambulatory surgical facilities (ASF), birth centers and hospitals. Subsequently, the MCARE Act was amended and abortion facilities were also required to pay the surcharge.

With the cooperation of hospitals, birthing centers, abortion facilities and ASFs in this Commonwealth, the surcharge has been implemented and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2019-2020. The Authority FY 2019-2020 surcharge assessment is \$6.36 million. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ASFs, birth centers and hospitals licensed under either the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) or Article X of the Human Services Code (62 P.S. §§ 1001—1088). Also included, as of May 1, 2006, are abortion facilities which are defined in 18 Pa.C.S. § 3203 (relating to definitions). Nursing homes, which are assessed under sections 401—411 of the MCARE Act (40 P.S. §§ 1303.401—1303.411), receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion facilities, the Department has chosen the number of operating and procedure rooms. For hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Depart-

ment of Human Services (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen December 31, 2019.

The number of operating/procedure rooms (for ASFs, birth centers and abortion facilities) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$6.36 million to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 41,248. Dividing this number into \$6.36 million results in a per unit assessment for each installment of approximately \$154.19. The assessment is payable by June 1, 2020.

To obtain a copy of the assessment for all facilities, send an e-mail to [paexcept@pa.gov](mailto:paexcept@pa.gov) and request the FY 2019-2020 MCARE surcharge assessment lists.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a facility has any questions concerning this notice, a representative from that facility should contact Garrison E. Gladfelter, Jr., Chief, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 825 Forster Street, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Garrison E. Gladfelter, Jr., at the previously listed address or telephone 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. 20-350. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2019-2020 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act

Sections 401—411 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P.S. §§ 1303.401—1303.411) require nursing homes to electronically report health care-associated infection (HAI) data to the Department of Health (Department) and the Patient Safety Authority (Authority). Mandatory reporting of nursing home HAIs was implemented in June 2009.

Section 409 of the MCARE Act (40 P.S. § 1303.409) states that every fiscal year, beginning July 1, 2008, each nursing home shall pay the Department a surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to the MCARE Act. The base amount of \$1 million for Fiscal Year (FY) 2008-2009 has the potential to be increased no more than the Consumer Price Index in each succeeding fiscal year.

The Authority has recommended that the FY 2019-2020 surcharge assessment total \$1.14 million.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of December 31, 2019, was totaled and that amount was divided into \$1.14 million. The total number of licensed beds is 86,566. This equates to a surcharge of \$13.17 per bed.

To obtain a copy of the assessment for all facilities, send an e-mail to [paexcept@pa.gov](mailto:paexcept@pa.gov) and request the FY 2019-2020 MCARE surcharge assessment list for nursing care facilities. Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a nursing care facility has any questions concerning this notice, a representative from that facility should contact Susan Williamson, Director, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, 825 Forster Street, Harrisburg, PA 17120, (717) 787-1816.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Susan Williamson at the previously listed address or telephone 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. 20-351. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2019-2020 disproportionate share hospital (DSH) payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals that promote access to comprehensive inpatient services for MA eligible persons by providing an adequate supply of health care professionals who have been trained in high volume MA enrolled hospital settings. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described is contingent on the availability of Federal financial participation for these payments.

#### *Fiscal Impact*

The FY 2019-2020 impact, as a result of the funding allocation for these payments, is \$93.274 million (\$44.538

million in State general funds and \$48.736 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1384. (1) General Fund;

(7) MA—Academic Medical Centers; (2) Implementing Year 2019-20 is \$1,000,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$24,681,000; 2017-18 Program—\$24,681,000; 2016-17 Program—\$21,181,000;

(7) MA—Fee-for-Service; (2) Implementing Year 2019-20 is \$42,038,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2019-20 is \$1,500,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$10,071,000; 2017-18 Program—\$10,071,000; 2016-17 Program—\$10,071,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 20-352. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2019-2020 supplemental payments to qualifying acute care general hospitals that provide medical and surgical ocular services to Medical Assistance beneficiaries to ensure continued access to these critical eye related services. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

#### *Fiscal Impact*

For FY 2019-2020, the Department will allocate an annualized amount of \$3.640 million in total funds for these supplemental payments upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human

Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1382. (1) General Fund; (2) Implementing Year 2019-20 is \$1,021,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 20-353. Filed for public inspection March 6, 2020, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Innovation Council Meeting

The State Transportation Innovation Council will hold its business meeting on Thursday, March 19, 2020, from 9 a.m. to 12 p.m. at the Best Western Premier, 800 East Park Drive, Harrisburg, PA. For more information, contact Anja Walker, (717) 425-6288, [anjwalker@pa.gov](mailto:anjwalker@pa.gov).

YASSMIN GRAMIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 20-354. Filed for public inspection March 6, 2020, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Gary Schatz Garage, LLC v. Department of Environmental Protection, Lancaster County Conservation District and Borough of Mount Joy, Permittee; EHB Doc. No. 2020-021-M

Gary Schatz Garage, LLC has appealed the Department of Environmental Protection's affirmance of the Lancaster County Conservation District's approval of the Borough of Mount Joy's application for coverage under NPDES General Permit PAG-02 for its stormwater detention basin modification.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the

Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 20-355. Filed for public inspection March 6, 2020, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The March 17, 2020, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, April 21, 2020, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at [ledinger@pa.gov](mailto:ledinger@pa.gov) or (717) 783-8727. The agenda and meeting materials are 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 "Environmental Quality Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 20-356. Filed for public inspection March 6, 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 designated March 28 and April 11, 2020, as Mentored Youth Fishing Days 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 under 58 Pa. Code § 65.20 will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

To participate, 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 license or a mentored youth permit from the Fish and Boat Commission (Commission). Youth anglers must obtain a 2020 voluntary youth 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 license or a 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 March 28, 2020, are those stocked trout waters in 18 southeastern counties and 2 waters crossing from those counties that are regulated under 58 Pa. Code § 65.12 (relating to regional opening day of trout season). The waters included in the Program on April 11, 2020, are the stocked trout waters in the remaining counties. Special regulation areas are not included in the Program. A listing of stocked trout waters is published in the Commission's "Summary of Fishing Regulations 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 March 28, 2020:

County	Water
Lancaster	Donegal Creek (150 yards upstream and downstream of Route 772)
Lehigh	Daddona Pond

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
Somerset	Rhoades Creek (Rockwood Legion)
Somerset	Quemahoning Rod and Gun Club Dam

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-357. Filed for public inspection March 6, 2020, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to the act of July 8, 1986 (P.L. 408, No. 89), as re-enacted and amended by the act of July 17, 2003 (P.L. 31, No. 14) and the act of June 10, 2009 (P.L. 10, No. 3), is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2019. The list of data fields that are included in the standard public use files are located in PDF files posted on the Council's web site at [www.phc4.org](http://www.phc4.org) (select "Services," then "Data Requests"). Questions about procedures for obtaining access to Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, [jnelson@phc4.org](mailto:jnelson@phc4.org).

#### *Applicant and Project Description*

#### **Agency for Healthcare Research & Quality—Carol Stocks, PhD, RN/William Freeman, PhD**

Statewide second quarter 2018 through first quarter 2019 inpatient discharge and inpatient revenue code detail datasets and 2018 ambulatory/outpatient procedure and ambulatory/outpatient revenue code detail datasets with derived fields (number of days to admission, days to procedure and age). The data will be used in the Healthcare Cost and Utilization Project (HCUP), which uses the data for multiple databases, reports, tools and products. The HCUP databases enable research on a broad range of health policy issues, including cost and quality of health services, medical practice patterns, access to health care programs, and outcomes of treatments at the National, regional, State and local levels.

#### **Allegheny County Health Department—LuAnn Brink, PhD, MPH**

Standard regional 2018 inpatient discharge dataset for Region 1 to be used for public health surveillance, research and targeted intervention purposes to help identify areas of Allegheny County with a higher risk of nonfatal injuries, including falls and motor vehicle crashes, and acute outcomes that may be associated with environmental quality, including asthma and cardiovascular events.

#### **Allied Services—Rebecca Montross**

Standard regional 2018 inpatient discharge dataset for Region 6 to be used to assess community needs for post-acute services with the hope of identifying underserved patient population for which programs and services may be strengthened or developed.

#### **Atlantic Health—Don Dykstra**

Standard Statewide 2017 inpatient discharge dataset, prepared by their consultant SG-2, to be used for standard planning and market analyses consistent with Atlantic Health's mission of designing and delivering high quality, innovative and personalized care to build healthier communities and improve lives for patients, consumers and caregivers.

**Boston University School of Medicine—Amresh Hanchate, PhD**

Modification to a prior request, for fourth quarter 2017 through 2018 Statewide custom inpatient discharge dataset of adult cases with derived fields (number of days to admission and emergency room indicator) and standard inpatient revenue code detail dataset. The data will be combined with other states' data, Census population data, the American Hospital Association Annual Survey Database, and Area Resource Files, Centers for Medicare & Medicaid Services (CMS) Medicare fee-for-service data and other data sources to be used for a study, National Estimates for Inpatient Care, Outcomes and Hospital Effect among Hispanics, which will develop a near-National inpatient database for Hispanic adults to characterize patterns of inpatient care usage, and the quality of the care they receive. Specifically, they will examine whether greater access barriers among Hispanics result in higher rates of admissions for ambulatory care sensitive conditions—hospitalizations considered to be preventable with access to timely ambulatory care and less use of referral-based inpatient surgeries.

**Capital Health—Jeremy Cohen**

Standard regional first through third quarter 2018 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9 to be used for Capital Health's planning purposes for their health system to assist in determining public demand.

**Community Health Systems—Tomi Galin**

Standard Statewide 2018 inpatient discharge and ambulatory/outpatient procedure datasets to be used to understand Community Health Systems' communities specific health care needs, areas of underservice and with high risk for specific disease, defining health care demand to support planning and illustrate access issues to develop outreach programs or eliminate service. The data will be used to determine whether primary care services and appropriate access are satisfied within a defined market area.

**Crozer Keystone Health System—Elizabeth Jaekle**

Standard Statewide 2018 inpatient revenue dataset to be used to identify rehabilitation services as part of Crozer Keystone Health System's analytic market share analysis.

**DLP Memorial Medical Center—Carrie Arcurio**

Standard Statewide first and second quarter 2018 inpatient discharge dataset to be used internally to evaluate DLP Memorial Medical Center's current performance, competitor's performance and future opportunities. They will be able to illustrate current market share and to enhance various other planning tools such as budgets and 5-year plans.

**Doylestown Hospital—Joseph Prinzi**

Standard regional 2018 ambulatory/outpatient procedure dataset for Region 8, prepared by their consultant Intalere, to be produced into reports for Doylestown to review activity performed at Doylestown within specific surrounding market areas served and compare that activity to the services performed at other health care organizations within those market areas.

**Drexel University—Anthony M. Esposito**

Standard facility second quarter 2018 inpatient discharge dataset for Hahnemann University Hospital to be used to determine Hahnemann's primary service area for

strategic planning purposes. Drexel is trying to establish other clinical relationships and open other locations for physician offices.

**Evangelical Community Hospital—Nicole Lohr**

A 2018 custom inpatient discharge dataset of Region 4 and 5 cases with derived data (number of days from prior discharge) and standard regional ambulatory/outpatient procedure dataset for Regions 4 and 5 to be used to conduct an internal study of Evangelical Community Hospital's market share and to gain a better understanding of the population it serves.

**Excela Health—Allison Lutz**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge, ambulatory/outpatient procedure, and inpatient and ambulatory/outpatient revenue code detail datasets, prepared by their consultants Intalere and Quantros, to be used to develop reports for Excela Health to examine State, county and hospital inpatient and outpatient market share.

**Geisinger Clinic—John (Jove) Graham**

Standard Statewide 1990 through 2018 inpatient discharge datasets to be used for understanding and establishing validity of estimates for the impact of treatment and care delivery interventions on hospital admissions, readmissions and costs. The data may be combined with their electronic health records and claims databases for multiple ongoing studies and may be used in conjunction with Census data or CMS data. They plan to use the information to create age-adjusted estimates of mortality and other outcomes similar to National statistics to be able to make more specific statements about the generalizability and applicability of their results to other hospitals and hospital systems.

**Geisinger Health System—Jennifer Goff**

Standard Statewide fourth quarter 2015 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure datasets to be used for the following analysis: market demand, market share, patient origin, payer mix and distribution, patient demographics, diagnosis/procedure distribution, facility and physician profile and distribution and trend analysis.

**Good Shepherd Rehab Network—Mike Bonner/Cindy Buchman**

Standard regional second quarter 2018 through first quarter 2019 inpatient discharge datasets for Regions 4–9 and ambulatory/outpatient procedure datasets for Regions 7 and 8 to be used for internal analysis for Good Shepherd Rehab Network's services.

**Health Economics Resource Center—Jean Yoon**

A 2011 through 2017 standard Statewide inpatient revenue code detail dataset and financial data report, and custom inpatient discharge dataset with derived fields (number of days to admission) linked with a cohort file of Veterans Administration (VA) enrollees to be used for a research study, Veterans' Choice in Hospital Care, which will examine veterans' use of VA and non-VA care to understand the services used and preferences in patient experience, distance and quality among the hospital alternatives. These preferences for providers have significant implications for VA policies to provide for VA care and pay for non-VA care. They will examine changes in use of non-VA acute care after the Affordable Care Act (ACA) and Veterans Choice Program (VCP) were implemented in 2014, which the ACA created insurance exchanges and expansion of Medicaid programs (Pennsylvania

nia expanded Medical Assistance) and the VCP expanded qualifying veterans' access to care in the community. The information will assist VA policy makers to improve cross-system coordination of care and to project long-term demand for VA inpatient services and other types of VA acute care.

#### **Highmark Health—Shawn Calloway**

Standard Statewide second quarter through fourth quarter 2018 inpatient discharge, ambulatory/outpatient procedure, and inpatient and ambulatory/outpatient revenue code detail datasets to be used for ongoing operational analysis and planning purposes. Highmark Health will perform analyses of hospitals and surgery centers in western and central Pennsylvania with respect to issues including service offerings, payer mix, patient travel patterns, facility service areas, provider market shares and trends; and analyses of hospital capacity and utilization, bed counts, revenues and costs, and trends. The analyses will relate to regulatory compliance and integrated health care delivery network and financing system efforts to evaluate hospital competition, further develop Allegheny Health Network and offer high-value insurance products.

#### **Hospital & Healthsystem Association of Pennsylvania—Peter Nguyen**

A second quarter 2018 through first quarter 2019 custom inpatient discharge readmission analysis data report, a custom Statewide inpatient discharge dataset with calculated fields (number of days from prior discharge) and a standard Statewide inpatient revenue code detail dataset. The Hospital & Healthsystem Association of Pennsylvania (HAP) will use the data to conduct ongoing monitoring of Statewide, regional and hospital-specific quality outcomes. HAP may, from time to time, release the aggregate results of its quality monitoring research for membership education. The readmission analysis data will be used for HAP's Hospital Improvement Innovation Network contract awarded by CMS, and future Network of Quality Improvement and Innovation work through CMS.

#### **Hospital & Healthsystem Association of Pennsylvania—Sari Siegel, PhD**

Standard Statewide 2018 and restated 2017 financial data report to be used by HAP to conduct ongoing monitoring of Statewide, regional and hospital-specific financial information and outcomes. HAP may, from time to time, release aggregate results of its monitoring research, and they intend to use analysis of the information for member research.

#### **Indiana Regional Medical Center—Mark Richards**

Standard regional 2018 inpatient discharge datasets for Region 3 to be used for analysis to conduct a market assessment for strategic planning.

#### **Intalere—Bernice Murano/Richard Mackey**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge, ambulatory/outpatient procedure, and inpatient and ambulatory/outpatient revenue code detail datasets will be combined with other health care data to be used to produce various aggregate report files distributed by Intalere's Navigate system (PC based) and NavigateNet system (Internet-based) that are offered as health care software products to its customers. The reports can be by product line, service area, hospital or health system, physician or physician group, or both, which can include but are not limited to market share, patient origin, use rates, charges, surgery detail, payer

mix, patient demographics, diagnosis/procedure distribution, refinement, and the like.

#### **International Business Machines Corporation (IBM)—Katherine Blumhardt**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure datasets. IBM will process, standardize and distribute different types of data and statistical analyses to its clients (hospitals, health networks, government agencies, health care providers, payers, consultants, vendors, researchers, and the like) through proprietary decision tools, benchmark databases, research, custom studies and other associated products by Internet or PC/CD based, which provide utilization market share, service demand, outcome indicators, and assistance in resource allocation and in evaluating benefit plans.

#### **Jian Strategic Marketing—Heidi Orie**

Standard Statewide 2018 and first quarter 2019 inpatient discharge datasets and standard regional second quarter 2018 through first quarter 2019 ambulatory/outpatient procedure datasets for Regions 1—3 to be used to analyze trends in the market for nonprofit health care providers. The data will be used for consulting purposes to help guide marketing and communication tactics to providers and consumers.

#### **Kaufman, Hall & Associates—Erin Coppersmith**

Standard Statewide 2018 inpatient discharge and inpatient revenue code detail datasets to be used with other states' data to help health care providers increase the quality of care they provide to their patients by effectively benchmarking their quality, safety, satisfaction, cost and utilization to their peers. The data will be used for creating benchmarks at the APR-DRG and MS-DRG level accessible through files in conjunction with hospital client decision support systems and a web-based tool (Axiom Clinical Analytics).

#### **Lehigh Valley Health Network—Vanessa J. Villaverde**

Standard Statewide 2018 and first quarter 2019 inpatient discharge and ambulatory/outpatient procedure datasets to be used for service area analyses, competitive analyses, product line trends and analyses, and incidence rate comparisons and trends for program development. The data will also be used for research population based health issues, to promote health and well-being of targeted vulnerable populations; internal quality control research; internal resource utilization research; support development of continuum of care research; and community based health needs that target chronic illnesses.

#### **LifePoint Health—Casey Tebeau**

Standard Statewide third quarter 2018 through first quarter 2019 inpatient discharge dataset, prepared by their consultant Trilliant Health, to be used to evaluate Conemaugh Health System's current performance, competitor's performance and future opportunities. They will be able to illustrate current market share and enhance various other planning tools such as budgets and 5-year plans.

#### **Los Angeles Biomedical Institute—Rie Sakai Bizmark, MD, MPH, PhD**

Custom 2010 through first quarter 2018 inpatient discharge dataset with derived fields (number of days to death; and emergency room and NICU indicators) linked with 2010—2017 Department of Health's (Department)

birth and death data for individuals born during 2010—2017 who have a critical congenital heart disease (CCHD) diagnosis in the Department birth or death record, or Council inpatient discharge record and all related birth, death and inpatient records for an individual in the cohort. The data will be used for a research study, Newborn Screening for Critical Congenital Heart Disease (CCHD) in US: Assessment of Implementation Obstacles and Application of Cost-Effectiveness to Gauge if Action Needed for Improved Implementation. The study will provide insight on an understudied topic, helping health care organizations optimize resources to favorably impact patient outcomes and informing policy makers and stakeholders Nationwide as they consider screening mandates. The aim of this project is to quantitatively assess the need for interventions to improve implementation of CCHD screening by pulse oximetry (Pox). Results will be summarized in one or more research papers and submitted for inclusion in peer-reviewed medical journals and academic conferences.

#### **Main Line Health—Praveen Shanbhag**

Standard 2010 through first quarter 2019 Statewide inpatient discharge dataset and third quarter 2017 through first quarter 2019 regional ambulatory/outpatient procedure dataset for Regions 8 and 9 to be used for market assessments, internal facility and service line planning purposes to evaluate consumer need and identify underserved geographic and clinical areas in Main Line Health's market.

#### **Meritus Medical Center, Inc.—Jon Noyes**

Standard regional third quarter 2015 through first quarter 2019 inpatient discharge and ambulatory/procedure dataset for Region 5 to be used internally with Maryland state data, prepared by Stratasan, LLC, to analyze market share, identify trends in product lines, patient migration patterns and overall market share to help serve Meritus Medical Center's mission statement and provide analysis to expand services underrepresented in their market.

#### **Monongahela Valley Hospital—Patrick J. Alberts**

Standard second quarter 2018 through first quarter 2019 regional inpatient discharge and ambulatory/outpatient procedure datasets for Region 1 and Statewide inpatient and ambulatory/outpatient revenue code detail datasets to be used to analyze clinical data to identify gaps in services to offer new services to Monongahela Valley Hospital's community.

#### **Mount Nittany Health—Alicia Grube**

Custom fourth quarter 2018 through first quarter 2019 inpatient discharge dataset of patients who reside in Blair, Centre, Clearfield, Clinton, Huntingdon or Mifflin Counties to be used for internal market share analysis.

#### **Nemours/Alfred I. duPont Hospital for Children—Stacey Milunsky**

Custom 2015 through first quarter 2019 inpatient discharge dataset for obstetric delivery cases and custom 2018 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure dataset for pediatric cases with an age group indicator. The data will be used to understand the market forces to help support the development of strategic programs, services and new locations of care to better support the needs of the patients and communities Nemours/Alfred I. duPont Hospital for Children serve.

#### **New Solutions, Inc.—Nancy Erickson**

Custom 2018 inpatient discharge dataset of patients who are residents from New Jersey or Bucks, Lehigh, Monroe, Northampton, Philadelphia, Pike or Wayne Counties that will be risk adjusted and produced into reports used by New Solutions for consulting and providing market share and patient utilization information analysis to their hospital clients for health planning and further their efforts in population health.

#### **North Pointe Surgery Center—Melissa A. Weik, MHA, RN**

Standard 2014 through 2018 regional inpatient discharge and ambulatory/outpatient procedure datasets for Regions 5 and 7, Statewide inpatient and ambulatory/outpatient revenue code detail datasets and financial data reports to be developed into reports by their contractor, Seisan, for North Pointe Surgery Center to assess the market share and determine the financial health of their current contracts to assist in their strategic planning over the next 5 years.

#### **OSS Health—Daniel Fenyes/Tricia Wolf**

Custom 2014 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure musculoskeletal related cases for patients who reside in Region 5 or were treated at hospitals and ambulatory surgery centers (ASC) in Region 5 to be used for studying Southwestern Pennsylvania Region 5 analysis of populations health/value-based musculoskeletal care. They will conduct a competitive research study and analysis of patient access, cost and outcomes of OSS Health's physicians, hospitals and ancillaries versus other health care networks in the similar service area.

#### **Penn Highlands Healthcare—Gregory P. Bauer**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge, ambulatory/outpatient procedure, and inpatient and ambulatory/outpatient revenue code detail datasets, prepared by their consultant Intalere, will be used to develop market share reports for Penn Highlands Healthcare to use the information in preparation of strategic plans as well as in the development of physician recruitment plans for Penn Highlands Healthcare.

#### **Penn State College of Medicine—Chan Shen, PhD**

Custom 2015 through first quarter 2019 inpatient discharge dataset, and reuse 2011—2014 inpatient discharge dataset of Pennsylvania resident adult cases from an acute care hospital with their 30-day readmission records with derived fields (number of days to admission and readmission indicator) to be used for a research study, Determinants of Readmissions Among Patients with and without Co-occurring Conditions, which will study trends and determinants of readmissions for hospitalized patients. Data analysis results will be used in some form of publication.

#### **Penn State Hershey Health System—Julie Eisenhauer**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure datasets, prepared by their consultant Advisory Board Market Innovation Center, to provide Penn State Health with analysis of utilization, disease and procedure incidence, market analysis and strategic planning for the improvement of health care services provided by Penn State Health. Reports created from the

data may be shared with outside counsel/consultants as part of the strategic planning process.

**Penn State University—Joel Segel**

Standard Statewide 2005 through 2018 inpatient discharges, ambulatory/outpatient procedure, and inpatient and ambulatory/outpatient revenue code detail datasets and financial data report to be used with IQVIA data and information from Pennsylvania Medicaid recipients for a study, Patterns of Care in Rural Pennsylvania: How Do Utilization, Quality, and Hospital Financial Well-Being Vary by Rurality. The data will be used to provide analytic support to the Pennsylvania Rural Health Model (PARHM). The analyses will be comprehensive and provide new findings to better understand patient flows, patterns of utilization and quality measures related to several different types of care in rural hospitals. The findings may inform planning and policy regarding the PARHM.

**Pennsylvania Department of Health—Arlene G. Seid, MD**

Custom fourth quarter 2015 through third quarter 2018 ambulatory/outpatient procedure data reports on the number of procedures performed at ASC to inform decisions for requests for exception to ambulatory surgical regulations received by the Department.

**Pennsylvania Department of Health—Brian Wright**

Standard Statewide 2018 inpatient discharge dataset to be used for the Bureau of Health Promotion and Risk Reduction Violence and Injury Prevention Program and Division of Nutrition and Physical Activity program. The data will be used to help identify groups at high risk for injury, specific types and causes of injury, and effective injury prevention, planning and evaluation strategies; produce various injury reports and asthma related reports; respond to requests for aggregate data pertaining to injury, chronic diseases, drug overdoses, and the like; and disseminate in aggregate on the Department's EDDIE system.

**Pennsylvania Department of Health—Brian Wright**

Standard Statewide 2018 inpatient discharge dataset to be used for the Prescription Drug Monitoring Program (PDMP) and the Department of Drug and Alcohol Programs (DDAP). The data will be used to fulfill grant requirements, monitor program progress, identify needs, evaluate the impact of drug overdose prevention activities and respond to requests for aggregate data. The PDMP and DDAP may use the data to produce ad-hoc aggregate drug-related reports such as fact sheets or profiles of geographical areas to present to legislative members or the public, time series analysis to track health outcomes and measure program successes, create data-related maps, dashboards and data requests.

The PDMP will develop opioid-related indicators for the Centers for Disease Control and Prevention's (CDC) Prescription Drug Overdose Prevention grant, report morbidity indicators for the CDC's Enhanced State Surveillance of Opioid-Involved Morbidity and Mortality grant, validate and identify health care facilities to integrate their electronic health record with the PDMP system for the CDC's Prescription Drug Overdose Prevention Supplemental grant, and create aggregated reports for the interactive data report. The DDAP will report the number of opioid overdose-related hospital admissions for the Strategic Prevention Framework for Prescription Drugs grant.

**Pennsylvania Department of Health—Carolyn Byrnes**

Custom 2016 through 2018 inpatient discharge and ambulatory/outpatient procedure datasets with derived fields (number of days to admission and death) for patients with a maternal-related death during 2018 linked with Department mortality and birth data. The data will be used to assist the Pennsylvania Maternal Mortality Review Committee identify medical records for women who died with a maternal-related death to better understand the issue of maternal mortality and to design and implement interventions to address the causes of maternal mortality.

Standard Statewide 2015 through 2018 inpatient discharge, ambulatory/outpatient procedure datasets and inpatient and ambulatory/outpatient revenue code detail datasets to be used to expand information on the Opioid Data Dashboard on the PA Open Data Portal. The enhancement will assist agencies and citizens in gaining a richer and nuanced perspective of the epidemic and the downstream impacts of the epidemic across various societal and governmental interfaces. The University of Pittsburgh Graduate School of Public Health is the contractor working with the data, as well as with Medicaid data, child welfare system data, workers' compensation claims, employment data and motor vehicle injury data for the project.

**Pennsylvania Department of Health—Jun Yang**

Standard Statewide 2013 through 2017 inpatient discharge datasets to be used to establish rare disease baseline on hospitalized patients in this Commonwealth in accordance with Act 14 of 2017, which established a Rare Disease Advisory Council to study the incidence and prevalence of rare diseases within this Commonwealth and the status of the rare disease community.

**Pennsylvania Department of Health—Sameh Boktor**

Custom third quarter 2017 through second quarter 2018 Statewide inpatient discharge datasets with derived fields (admission) to be used to study trends in influenza associated hospitalizations in this Commonwealth. The analyses will be used to understand the aspect of the public health burden of influenza and to prepare for future seasons, including possible pandemics. As part of a CDC grant, summary findings will be shared with partners for planning and preparedness and to raise awareness about influenza and its public health impact. Findings that may be of public health significance may be shared with the public health community through publishing articles in peer-reviewed journals.

**Pennsylvania Department of Health—Sharon Watkins**

Custom 2016 through 2018 inpatient discharge and ambulatory/outpatient procedure dataset for patients through age 1 who were born in 2016 and 2017 linked with a live birth surveillance cohort data file. The data, analyzed by two consultants, InGenesis and Penn State College of Medicine, will be used for a study, Birth Defects and Developmental Disabilities—Prevention and Surveillance, to meet the CDC grant requirement for Zika-related birth defects surveillance.

**Pennsylvania Department of Health—Zhen-qiang Ma**

A 2010 through 2018 standard Statewide ambulatory/outpatient procedure dataset and custom Statewide inpatient discharge dataset with derived fields (admission) to be used to assess the health impacts associated with



various environmental factors in this Commonwealth. Additionally, the data will be used to provide summary information to the CDC's Environmental Public Health Tracking Network on monthly hospitalizations for five conditions: acute myocardial infarction (AMI), asthma, carbon monoxide poisoning, chronic obstructive pulmonary disease (COPD) and heat stress.

**Pennsylvania Department of Human Services—  
Mara Perez**

Custom third quarter 2016 through second quarter 2017 inpatient discharge dataset from the corrected self-pay database and 2015 through 2017 financial data of the 3-year average percent of uncompensated care to be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established under the Tobacco Settlement Act of 2001.

A custom 2017 financial data report by ambulatory surgery center of business entity information, visits and net patient revenue distribution by payer, and statement of operations information to evaluate potential Medical Assistance program initiatives.

A custom third quarter 2016 through second quarter 2017 inpatient discharge dataset of records with an MDC 14 or MDC 15 from general acute care hospitals to be used to calculate payments to hospitals for obstetrical and neonate services.

**Pennsylvania Department of the Auditor General—  
Jo Anne Walchak**

A standard Statewide third quarter 2017 through second quarter 2018 inpatient discharge dataset to be used to review data used to calculate tobacco settlement entitlements to Pennsylvania hospitals prior to the Department of Human Services' (PA DHS) calculation of the payment amounts. The Department of the Auditor General will review data that will be provided to PA DHS for use in making Uncompensated Care Tobacco Fund payments in 2020.

**Pennsylvania Office of Attorney General—  
Tracy W. Wertz**

Standard Statewide 2018 through first quarter 2019 inpatient discharge, ambulatory/outpatient procedure, inpatient revenue and ambulatory/outpatient revenue code detail datasets, and 2018 financial data report to be used for review of hospital mergers to ensure that the mergers are in compliance with antitrust laws; and the information may be disclosed for official law enforcement purposes or disclosed in litigation related to Federal antitrust laws or other state and Federal laws. These data may also be shared with the Federal Trade Commission or the United States Department of Justice to be used for investigations that are conducted jointly with the Office of Attorney General.

**Pennsylvania Patient Safety Authority—  
Howard Newstadt**

A custom 2018 hospital data report to be used by the Patient Safety Authority (PSA) in combination with the PSA's PA-PSRS data (medical error report) to produce facility specific and aggregate medical error rate data to improve PSA's analytic capabilities, thereby supporting PSA's overall mission.

**Pennsylvania Patient Safety Authority—  
Shawn Kepner**

A custom 2004 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure dataset for patients with a tonsillectomy or adenoidectomy procedure, or both, and their readmissions within 30 days. The data will be used for a study, Uncontrolled Bleeding Post-Tonsillectomy and/or Adenoidectomy, which will examine the relationship between predictor variables associated with uncontrolled bleeding post-tonsillectomy or adenoidectomy, or both, and the post-operation time period when patients return to surgery to control bleeding.

A custom 2018 ambulatory/outpatient procedure data report of the number of cases by ASC to be used to calculate ambulatory surgery center reporting rates.

A custom first quarter 2019 inpatient discharge and ambulatory/outpatient procedure data report on the number of cases by facility to be used in combination with the PSA's PA-PSRS data (medical error report) to produce facility specific and aggregate medical error rate data to improve PSA's analytic capabilities, thereby supporting PSA's overall mission.

A custom 2009 through 2017 inpatient discharge data report on the number of cases without rehabilitation and behavioral health services by facility to be used to calculate utilization rates for a study, Risky Business—Both Peripheral and Central Venous Catheters Can be Dangerous Devices, which will be featured in future Patient Safety Advisory publications.

Custom 2014 through 2018 inpatient discharge and ambulatory/outpatient procedure data report on the number of live births to be used to analyze the number of newborn falls per year in hospitals in this Commonwealth for an article for the Patient Safety Advisory, An Analysis of Recent Events and A Review of Prevention Strategies.

Custom 2018 ambulatory/outpatient procedure data report on the number of eye cataract procedures by facility to be used to determine annual rates of endophthalmitis post-cataract surgery for a study, Incidence and Impact of Infectious Endophthalmitis Following Cataract Surgery in Pennsylvania Ambulatory Surgical Facilities, which will be featured in future Patient Safety Advisory publications.

Standard regional 2018 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9 to be used for a variety of analyses that allow tracking of diseases. Data are used for the evaluation of trends in services, estimated cost and outcomes for several conditions (HIV, diabetes, asthma, hypertension, cancer screening, violence-related injuries, influenza-like illness, pelvic inflammatory disease, and, if any, emerging infectious diseases, and the like) as well as patient demographics for research and policy planning. The data will be used to examine obstetrical services, high-risk pregnancies and ongoing research of birth outcomes and in needs assessment activities for both Health Start and Title V. The data is also used to evaluate the HIV/AIDS surveillance system and as part of Ryan White Part A. On occasion the results of the analyses may be shared with other city agencies and health advisory groups.

**Philadelphia Department of Public Health—  
Raynard Washington, PhD, MPH**

Standard regional 2017 through 2018 inpatient discharge datasets for Regions 8 and 9 to be used for general use in reporting news articles about Philadelphia area hospitals.

**Philadelphia Inquirer—  
Sarah Gantz**

Standard regional 2017 through 2018 inpatient discharge datasets for Regions 8 and 9 to be used for general use in reporting news articles about Philadelphia area hospitals.

**Prime Healthcare—Shara Smith**

Standard regional third quarter 2015 through 2018 inpatient discharge and ambulatory/outpatient procedure dataset for Regions 8 and 9, prepared by Stratasan, LLC, to be used to understand market share, product line performance, patient in-migration and out-migration patterns and overall facility volumes for the purposes of strategic planning/business development.

**Reading Hospital and Medical Center—Daniel Ahern**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge, ambulatory/outpatient procedure, and inpatient and ambulatory/outpatient revenue code detail datasets, prepared by their consultant Intalere, to be used to track historic volumes and market shares in Reading Hospital's system area and other areas will be examined for potential expansion of services. The data will be utilized through Intalere's user-friendly tool to identify trends and analyze market activity by payer mix, patient age mix and service line distribution.

**Renzi Podiatry/Save Your Soles Campaign—Ronald M. Renzi, DPM**

A custom 1990 through 1995 inpatient discharge dataset for patients with a lower extremity amputation who reside in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties and a custom 2010 to third quarter 2015 inpatient discharge dataset for patients with a revision of amputation stump procedure who reside in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties. A custom 2016 through 2018 inpatient discharge dataset for patients with amputation who reside in Region 8 or 9. A custom 2017 through 2018 inpatient discharge dataset for patients with a diabetes and a diabetic foot infection or a lower extremity amputation who reside in Region 1, 7, 8 or 9. A modification for a custom 1990 through 2005 and 2010 through third quarter 2015 inpatient discharge dataset for patients with a lower extremity amputation who reside in Berks, Carbon, Lehigh, Northampton or Schuylkill Counties. A modification to a custom first, second and third quarter 2018 inpatient discharge dataset for patients who reside in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties and were hospitalized for a lower extremity amputation. A custom 1990 through 2018 inpatient discharge dataset for patients with a lower extremity amputation who reside in Region 1 and 1998, 2000, 2001 through 2004 inpatient discharge dataset for patients with a lower extremity amputation who reside in Region 8 or 9.

The data will be used for the Save Your Soles Campaign program sponsored by Abington Memorial Hospital Innovators Foundation, which is to reduce amputations in the Philadelphia area. Dr. Ronald M. Renzi plans to develop the number and rate of major and minor amputations over time in the study area to evaluate the effectiveness of amputation prevention strategies.

**RKSB Health Care Consulting—Whitney E. Hess**

Custom 2016 through 2018 inpatient discharge dataset of cases who reside in West Virginia to be used for consulting and to determine the number of West Virginia residents using cardiac services in this Commonwealth to establish a use rate for the population.

**Safety-Net Association of Pennsylvania—James A. Tomkins**

Standard regional third quarter 2014 through second quarter 2015 and third and fourth quarter 2017 inpatient

discharge dataset for Region 9 and 2018 inpatient discharge dataset for Regions 8 and 9 to be used to identify changes in inpatient hospital utilization in the wake of a hospital closure in Philadelphia, which will be used to educate Safety-Net Association hospitals in the Philadelphia area so they can better anticipate changes in patient needs should another closing occur.

**SG-2, LLC—Tanya Chin-Fatt**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge dataset to be used in SG-2's online platform applications and desktop tools, and summary reports. The data will be used in their Market Forecast and State Data Analysis Tool software that was developed to support their client hospitals' long and short term operational and strategic planning efforts. These tools enable their clients to develop 10-year health services demand forecasts by clinical area and geography, to provide them with the ability to project and meet future demands by determining the appropriate allocation of resources and to improve both the quality and availability of health care in the communities they serve. The tools containing this data will be accessible only by authorized users on a secure web-based portal, will be confidential and used only for SG-2's hospital and health system clients.

**St. Luke's University Health Network—Amanda Mazza**

Standard Statewide 2018 inpatient discharge dataset, prepared by Stratasan, to be used for internal use to analyze inpatient market share and trends.

**Summit Health—Stephanie Foote**

Standard Statewide 2018 inpatient discharge and ambulatory/outpatient procedure datasets to be used to review trends and monitor Summit Health's market share and analyze their service lines.

**Supply Bank—Rahil Maharaj**

Custom 2016 through 2018 inpatient discharge and ambulatory/outpatient procedure data report for the number of cases per year at the county level of babies with a diaper dermatitis, candidiasis or urinary tract infection to study the impact that diaper needs, or an insufficient supply of diapers to keep babies clean and dry, have on low-income families in this Commonwealth.

**Uniontown Hospital—Karen Keniston**

A custom third quarter 2017 through second quarter 2018 inpatient discharge data report of Fayette County residents hospitalized in an Allegheny County hospital for a specific condition to be used for high level planning of cardiac services.

**University of Pennsylvania—Evan Anderson, JD, PhD**

Standard regional 2017 inpatient discharge dataset for Region 9 to be used for a study, Health Care Utilization Related to Substance Use Disorder in Philadelphia, which will determine epidemiology and demographics of health care utilization among those with substance use disorder in Philadelphia County.

**University of Pennsylvania—School of Medicine—Laurie Norton**

Custom second quarter 2016 through second quarter 2018 inpatient discharge dataset with derived fields (number of days to admission and rehab indicator) linked with a cohort data file of participants in a randomized controlled trial study of patients with congestive heart

disease (CHF) to be used for a study, RCT of Automated Hovering for Congestive Heart Failure Management. The study will test the effectiveness of applying automated hovering to improve outcomes among CHF patients at high risk of readmission.

**University of Pennsylvania—School of Medicine—  
Robert E. Burke, MD, MS**

Custom third quarter 2011 through second quarter 2013 and third quarter 2016 through second quarter 2018 inpatient discharge and ambulatory/outpatient procedure dataset with derived fields (number of days to admission and death) for cases with a joint replacement linked with 2011—2013 and 2016—2018 Department mortality data to be used for a study, Unintended Consequences of Bundled Payments for Post-Acute Care, which is to describe and compare proportion of patients discharged to skilled nursing facility and home, stratified by hospital participation in bundled payments; and compare rates of hospital readmission and mortality.

**University of Pittsburgh—Bruce Jacobs, MD**

Custom 2010 through third quarter 2018 Statewide inpatient discharge and ambulatory/outpatient procedure datasets with derived fields (number of days to admission and death) linked with 2010 through 2017 Department cancer registry and a custom 2010 through 2017 inpatient and outpatient dataset for patients diagnosed with benign prostatic hyperplasia. The data will be used for a study, Evaluating the Centralization of Health Care and Its Implications for Health Disparities. The study will examine the centralization of care. They will communicate findings directly to policymakers and stakeholders facilitated by the University of Pittsburgh Health Policy Institute. Study results will appear in peer-reviewed academic journals and in presentations at academic and policy professional organization meetings, such as the American Society of Clinical Oncology, the American Urological Association, the Association of Public Policy Analysis and Management, and Academy Health.

**University of Pittsburgh—Jeremy M. Kahn, MD**

A modification to a previous request for additional data: third quarter 2014 through 2017 Statewide custom inpatient discharge dataset and standard inpatient revenue code detail dataset with associated lab values and calculated fields (number of days to admission and death) linked with Department 2013—2018 mortality data files. The data will be linked with the Medicare Healthcare Cost Reporting Information System (for hospital characteristics) and American Hospital Association Annual Survey (for key structural elements). Dr. Kahn will use the data to identify new measures that will account for patient trajectories as they move through various hospital and health care systems. The study, Novel Approaches to Hospital Profiling, involves using lab data to build statistical models to predict 30-day patient mortality. Dr. Kahn will use hierarchical regression modeling, marginal structural equations and cluster analyses to develop and validate novel hospital-based performance measures. A series of sequential modeling and validations steps will be performed to ensure valid and reliable measures. The project will focus on six conditions: AMI, congestive heart failure, stroke, pneumonia, sepsis and chronic obstructive pulmonary disease.

**University of Pittsburgh—Richard K. Zimmerman,  
MD, MPH**

Custom third quarter 2015 through first quarter 2019 inpatient discharge data reports on the number of hospitalization admissions of patients who reside in Allegheny County with an acute respiratory infections related condition reported by modified quarter, hospital, age group, condition and race. The data will be used for the CDC sponsored study, US Hospitalized Adult Influenza Vaccine Effectiveness Network. The data will be used to determine the population-based incidence of various respiratory virus-associated hospitalizations within Allegheny County, by season, virus type, year, age group and race and will be provided to the CDC to calculate the multisite incidence to inform public health policy. The CDC will use the aggregate data for other publications related to the project. The CDC will combine the results from Allegheny County with three other sites in the country to create an overall estimate for the country of respiratory hospitalization incidence.

**University of Pittsburgh Medical Center—Matthew  
W. Michaels**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure datasets to be used to produce various research reports including: patient origin for UPMC hospitals, UPMC market share in various geographies and for various service lines, utilization trends in volume and market share over different time periods, and physician volumes at UPMC and other hospitals.

**Wayne Memorial Hospital—Jack Dennis**

A standard facility fourth quarter 2016 through third quarter 2018 inpatient discharge dataset for Wayne Memorial Hospital to be used in a community needs assessment to identify communities in northeastern Pennsylvania that may require enhanced primary care services based on AHRQ PQI Composite scores. The PQI analysis part of the comprehensive needs assessment process will use demographic, mortality, reproductive health, health services use, community survey and key informant data to identify significant needs in Pike and Wayne Counties and two surrounding adjacent underserved communities. The assessment will be published on the Internet consistent with Internal Revenue Service requirements.

**Weill Cornell Medicine—Said A. Ibrahim, MD, MPH,  
MBA**

A 2017 through second quarter 2018 standard Statewide inpatient revenue code detail dataset and 2016 through second quarter 2018 custom inpatient discharge dataset of hip and knee replacement cases with readmission records linked with Department 2016 through 2018 mortality data. The data will be used for a study, Race and Rehabilitation Services After Joint Replacement. The objective of the study is to investigate the differences in Ontario versus this Commonwealth on how poverty defined by deprivation index plays a role in outcomes after hip and knee arthroplasty and to examine racial variations in access to post acute care and rehab services after a total joint replacement and the association between the receipt of these services and important surgical outcomes. Other research objectives are to mitigate racial and poverty disparity in access and use of total hip and knee replacement.

**WellSpan Health—David Kimpel**

Standard Statewide second quarter 2018 through first quarter 2019 inpatient discharge and ambulatory/outpatient procedure datasets to be used for an internal assessment of the delivery of health care services within the region they serve and beyond for comparative purposes. Service area utilization of services and analysis are the primary purpose for them to obtain the data.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 20-358. Filed for public inspection March 6, 2020, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, February 20, 2020, and announced the following:

#### *Actions Taken—Regulations Approved:*

Bureau of Professional and Occupational Affairs # 16A-62: Technical Corrections to Schedules of Civil Penalties (amends 49 Pa. Code Chapter 43b)

State Board of Social Workers, Marriage/Family Therapists and Professional Counselors # 16A-6922: Licensed Bachelor Social Worker; Fees (amends 49 Pa. Code Chapter 47)

### Approval Order

Public Meeting Held  
February 20, 2020

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Bureau of Professional and Occupational Affairs  
Technical Corrections to Schedules of Civil Penalties  
Regulation No. 16A-62 (# 3249)*

On January 16, 2020, the Independent Regulatory Review Commission (Commission) received this regulation from the Bureau of Professional and Occupational Affairs (Bureau). This rulemaking amends 49 Pa. Code Chapter 43b. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking corrects statutory and regulatory authority in the schedules of civil penalties for the State Board of Auctioneer Examiners, the State Board of Barber Examiners, the State Board of Dentistry, the State Board of Vehicle Manufacturers, Dealers and Sales-

persons, the State Real Estate Commission, and the State Registration Board for Professional Engineers, Land Surveyors and Geologists. These corrections align the schedules of civil penalties with the corresponding statutes and regulations.

We have determined this regulation is consistent with the statutory authority of the Bureau (63 P.S. § 2205(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting Held  
February 20, 2020

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Social Workers, Marriage/Family  
Therapists and Professional Counselors  
Licensed Bachelor Social Worker; Fees  
Regulation No. 16A-6922 (# 3196)*

On January 31, 2018, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Workers, Marriage/Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapter 47. The proposed regulation was published in the February 10, 2018 *Pennsylvania Bulletin* with a public comment period ending on March 12, 2018. The final-form regulation was submitted to the Commission on January 16, 2020.

The regulation implements Act 179 of 2014 (P.L. 2884, No. 179) with regard to licensure of bachelor social workers, establishes applicable fees for licensed bachelor social workers and adjusts existing fees for other licensure categories. It also eliminates language pertaining to provisional license as a social worker.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 1906 and 1918(c) and Section 9 of the act of October 22, 2014 (P.L. 2884, No. 179)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 20-359. Filed for public inspection March 6, 2020, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-226	Pennsylvania Gaming Control Board Casino Simulcasting; Fantasy Contests 49 Pa.B. 7414 (December 21, 2019)	1/21/20	2/20/20

**Pennsylvania Gaming Control Board Regulation  
# 125-226 (IRRC # 3248)**

**Casino Simulcasting; Fantasy Contests**

**February 20, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the December 21, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Implementation procedures; Protection of the public health, safety and welfare.**

Act 42 of 2017 amended Title 4 Pa.C.S. relating to Amusements. As it pertains to this rulemaking, Act 42 provides Category 2, 3 and 4 casinos the ability to simulcast horse racing at their facilities. It also legalizes fantasy contests. In order to implement casino simulcasting and fantasy contests, the General Assembly granted the Board authority to promulgate temporary regulations. Casino simulcasting temporary regulations were published in the January 6, 2018 edition of the *Pennsylvania Bulletin*. Fantasy contest temporary regulations were published in the April 28, 2018 edition of the *Pennsylvania Bulletin*. Both temporary regulations expire two years after publication.

This rulemaking begins the process of converting the Board's temporary casino simulcasting and fantasy contest regulations to permanent regulations. In response to Regulatory Analysis Form (RAF) question # 29, the Board indicates that the expected date of delivery of the final-form regulation is the third quarter of 2021. This will be more than a year after both temporary regulations have expired. A cornerstone of the Pennsylvania Race Horse Development and Gaming Act (Act) (4 Pa.C.S. §§ 1101—4506) is the protection of the public health, safety and welfare and also the protection of the integrity of gaming. How will Board protect the public and also the integrity of the games it is charged with overseeing without temporary or permanent regulations in place? We urge the Board to return this regulatory package for final review to the Independent Regulatory Review Commission (IRRC) and the designated standing committees of the General Assembly as quickly as possible to ensure that these forms of gaming are properly regulated.

**2. Compliance with the RRA or the regulations of IRRC.**

Section 5.2 of the RRA (71 P.S. § 745.5b) directs IRRC to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the proposed regulation and the reasons

for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the RAF (71 P.S. § 745.5(a)).

There are several instances where the Board's responses to RAF questions are incomplete:

- RAF # 12 should identify what other states allow casino simulcasting and fantasy contests and how those states administer those contests;
- RAF # 15 should categorize the fantasy contest operators that have been granted permission to operate in the Commonwealth as either a small business or another size business; and
- RAF # 22 states that applications for licensure are required forms and the Board has submitted those forms with the proposed rulemaking. Subsections 1202a.2(e), 1203a.2(a)(2) and 1209a.2(b) reference other forms that may be required. If they are required, copies of those forms should be submitted with the final-form regulation.

We ask the Board to provide more complete answers to these questions and also the requested forms when the regulation is returned in final-form.

**Subpart M. CASINO SIMULCASTING**

**3. Whether the regulation is consistent with the intent of the General Assembly; Possible conflict with or duplication of statutes or existing regulations; Implementation procedures.**

Several sections of the Act, as amended by Act 42, direct the Board and the State Horse Racing Commission (Commission) to consult and cooperate with each other to adopt and promulgate regulations to govern the conduct of casino simulcasting. Examples include 13F06(a) and (b) and 13F08(c). The Preamble submitted with the proposed rulemaking does not explain how the Board and Commission developed this regulatory package. Did the Board consult with the Commission to develop this rulemaking? We ask the Board to explain how this rulemaking was developed in the Preamble submitted with the final-form rulemaking.

In addition, under the authority of the Race Horse Industry Reform Act (3 Pa.C.S. §§ 9301—9374), the Commission recently published temporary regulations that supersede and replace existing regulations of the former State Horse Racing Commission and the former State Harness Racing Commission. Those temporary regulations were published in the *Pennsylvania Bulletin*. 42 Pa.B. 6221 (October 19, 2019). It is our understanding that the Commission will be converting the temporary regulations to permanent regulations. We ask the Board to work with the Commission to ensure that the promulgation of this rulemaking does not conflict with or duplicate the regulations of the Commission.

**4. Section 1001a.13. Wagering limited to simulcast-ing facility.—Clarity.**

This section includes a reference to 58 Pa. Code Parts IV and V (relating to Horse Racing Commission and Harness Racing Commission). As noted above, the regulations of the Commission have been superseded by temporary regulations. The final-form regulation should be amended to reflect the proper citations and regulations.

In addition, the last sentence of this section reads as follows, “Simulcast horse races may be shown in other areas of the licensed facility as approved by the Board, in consultation with the Commission.” This provision is arbitrary and vague. What criteria or standards will the Board and Commission use to determine if simulcast horse races may be shown in other areas of the licensed facility? The final-form regulation should provide direction to the regulated community, the Board and the Commission on how the determination will be made.

**5. Section 1001a.19. Casino simulcasting accounting controls and audit protocols.—Clarity.**

Subsection (g) lists examples of “submissions that may contain an insufficiency likely to negatively affect the integrity” of wagering. Regulations have the full force and effect of law and create binding norms that are equally applied to all parties. The language of this section fails to create a binding norm and we suggest it be amended to establish a more exact standard of what is or is not acceptable. We have a similar concern with § 1206a.1(h), relating to fantasy contest accounting and internal controls.

**Subpart O. FANTASY CONTESTS**

**6. Section 1202a.2. Fantasy contest licenses.—Legislative intent; Implementation procedures; clarity.**

Subsection (e) allows a licensed gaming entity to submit an abbreviated application for a fantasy contest license on forms or in an electronic format supplied or approved by the Board. Section 322(d) of the Act addresses an abbreviated application process. It states that the Board may establish such a process and that the abbreviated application may only require information not in possession of the Board that is necessary to fulfill the requirements of this chapter. We believe Subsection (e) lacks clarity and provides less detail on the abbreviated application process than the Act. Requiring the submittal of a form, the content of which is not specified, falls short of the legislative directive to establish a process. We ask the Board to specify the type of information that will be required in an abbreviated application process.

**7. Section 1203a.3. Renewals.—Clarity.**

Subsections (a) and (b) include references to licenses and registrations. Subsection (c) includes references to licenses, registrations and permits. For consistency and to improve the clarity of the regulation, the Board should either add the term “permit” to Subsections (a) and (b) or delete it from Subsection (c).

**8. Section 1203a.4. Licensed entity representative.—Clarity.**

This section requires a “licensed entity representative” to register with the Board. This term is not defined in Section 1201a.2, relating to definitions for Subpart O. Since other terms such as principal, key employee and gaming service provider are defined in Section 302 of the Act and also this rulemaking, we suggest that licensed entity representative also be defined.

**9. Section 1205a.2. Procedures to govern the conduct of fantasy contests.—Clarity.**

This section states that each fantasy contest license holder shall establish and implement procedures governing the conduct of fantasy contests. Subsection (b) enumerates what those procedures must include. We have two clarity concerns with this subsection. First, under Subsection (b)(5) and (6), if a fantasy contest participant participates in a contest for which they are not eligible, that participant is banned from further contests. In addition to the ban, the final-form regulation should specify that the participant’s entry into the contest is voided.

Second, Subsections (b)(5) and (6) include language that is not needed. Under both subsections, if a participant enters a contest for which they are not eligible, procedures must be in place to temporarily suspend the account of the participant for 15 days and also to ban the participant from further participation in fantasy contests of the license holder. Since the participant is banned from further contests, there is no need for the 15-day temporary ban and we recommend it be deleted from both subsections.

**10. Section 1205a.3. Fantasy contest accounts.—Clarity.**

Subsection (a) states, “A participant in a fantasy contest operated by a licensed operator may only enter a fantasy contest if the participant has established an account with the fantasy contest operator.” We believe the clarity of this subsection would be improved if it included language similar to the language found in Subsection 1205a.2(b)(1). That subsection specifies that a participant must have an account, unless the fantasy contest is offered through a fantasy contest terminal at a licensed facility.

**11. Section 1206a.1. Fantasy contest accounting and internal controls.—Clarity.**

Subsection (d)(8) requires fantasy contest licensed operators to have accounting and internal controls to prevent “minors” from entering fantasy contests. We recommend that a specific age be included instead of the term “minor.” This would improve the clarity of the provision and also be consistent with other sections of the regulation that identify a specific age for participation in fantasy contests.

**12. Chapter 1209a. Fantasy Contest Self-Exclusion.—Legislative intent; Possible conflict with or duplication of statutes and existing regulations; Implementation procedures; Protection of the public health, safety and welfare; Clarity.**

This chapter establishes procedures for patrons and licensed operators of fantasy contests regarding self-exclusion from fantasy contests. We have six concerns. First, the Board’s existing Chapter 503a, regarding casino self-exclusion, is in the process of being amended through the regulatory review process and is currently between the proposed and final-form rulemaking stage. We note that proposed Section 503a.2, relating to request for casino self-exclusion, requires a person that wants to self-exclude to provide, at a minimum, the last four digits of their Social Security number. However, this proposal does not require a person wishing to self-exclude from fantasy contests to provide a Social Security number. Instead, it requires that person to provide their driver’s license number. Why does the Board require different information for self-exclusion for patrons of casino gaming compared to fantasy contest gaming? Has the Board

considered using one standard self-exclusion form for all types of gaming that it regulates? This would prevent any potential conflict within the Board's various chapters of regulations.

Second, if a person self-excludes under Chapter 503a, would that person also be self-excluding from all fantasy contests, fantasy contests offered only at licensed gaming entities that have fantasy contest terminals, or neither? Conversely, if a person self-excludes from fantasy contests, would that action also apply to other types of gaming offered at the facilities of licensed gaming entities and regulated under Chapter 503a?

Third, depending on the Board's answers to our concern above, it would appear that a person with a gambling problem that wants to self-exclude would have to add himself or herself to both the casino self-exclusion list and the fantasy contest self-exclusion list. Does the Act allow the Board to use the information it receives under Chapter 503a and this chapter to develop an all-inclusive self-exclusion list that can be shared and used by all entities that provide gaming opportunities under the Board's jurisdiction? If the Act provides the Board the authority, we suggest that the Board develop a more global approach to self-exclusion that would make it easier for people with gambling problems to self-exclude from all forms of gaming by self-excluding through one process or list.

Fourth, Section 503a.2(c), relating to request for casino self-exclusion, requires persons that have self-excluded to inform the Board of any changes to the information provided to the Board when that person self-excluded. We suggest that this Chapter include a similar provision to ensure that the Board and fantasy contest providers have the most up-to-date information about the person.

Fifth, Section 1208a.2 requires a licensed operator to include a Responsible Gaming page on its website. The page is to include links to compulsive and problem gaming treatment information and provider sites. We recommend that this section also require a link to the Board's self-exclusion program and material.

Sixth, Section 1209a.2(c)(2) requires a person requesting self-exclusion to identify "the period of time in years" for which that person desires to be on the self-exclusion list. The minimum time period for self-exclusion is one year. The Act is silent on the minimum time period for self-exclusion for fantasy contests. We ask the Board to explain the rationale for establishing a one-year minimum for self-exclusion for fantasy contests.

### 13. Miscellaneous clarity.

- Subsection 1001a.19(f)(2) includes a reference to Subsection (i). Section 1001a.19 does not include a Subsection (i). We ask the Board to correct this citation in the final-form regulation.

- The second sentence of the definition of "applicant" found in Section 1201a.2 contains a substantive provision that should be moved to the body of the regulation.

- Subsection 1204a.1(a), contains a provision that is expressed in the negative. The *Pennsylvania Code and Bulletin Style Manual* suggests that, whenever possible, regulations should be expressed in a positive manner. We recommend that the phrase "the Board will not issue or renew a fantasy contest unless all of the following criteria have been established by the applicant" be changed to the "the Board will issue or renew a fantasy contest if all of the following criteria have been established by the applicant."

- Under Subsection 1207a.1(a), the word "all" should be changed to "any."

- Subsection 1209a.4(b), includes a reference to the list of "video gaming" self-excluded persons. We believe the reference to "video gaming" should be changed to "fantasy contest."

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 20-360. Filed for public inspection March 6, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Autism Spectrum Disorders Coverage—Maximum Benefit Adjustment; Notice 2020-02

Section 635.2 of The Insurance Company Law of 1921 (40 P.S. § 764h) requires:

After December 30, 2011, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Pennsylvania Bulletin* an adjustment to the maximum benefit equal to the change in the United States Department of Labor Consumer Price Index for All Urban Consumers (CPI-U) in the preceding year, and the published adjusted maximum benefit shall be applicable to the following calendar years to health insurance policies issued or renewed in those calendar years.

The CPI-U change for the year preceding December 30, 2019, was an increase of 2.3%. Accordingly, the maximum benefit, previously adjusted to \$41,271 per year, is hereby adjusted to \$42,220 for policies issued or renewed in calendar year 2021.

Questions regarding this notice may be directed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-361. Filed for public inspection March 6, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Determination of Appropriate Groupwide Supervisor

This notice is to update the Insurance Department (Department) notice of October 20, 2012, that announced the Department determined it is the appropriate groupwide supervisor for the Ace Group of Companies (Ace Group). In 2016 the Ace Group acquired Chubb and the resulting group name became the Chubb Group of Companies (Chubb Group). The purpose of this notice is to update the Ace Group name change and to announce that the Department continues as the groupwide supervisor.

Under section 1406.2(c) of The Insurance Company Law of 1921 (act) (40 P.S. § 991.1406b(c)), the Department, in cooperation with other supervisors, may determine that it is the appropriate groupwide supervisor for an international insurance group with substantial operations con-

centrated in this Commonwealth or in insurance operations conducted by subsidiary insurance companies domiciled in this Commonwealth where the ultimate controlling person is domiciled outside this Commonwealth.

In cooperation with other supervisory regulators, the Department has determined that it is the appropriate groupwide supervisor for the Chubb Group. The ultimate controlling person of Chubb Group is Chubb Limited, the Swiss-incorporated holding company of Chubb Group. Chubb Group has substantial operations in this Commonwealth. Additionally, this Commonwealth is the state of domicile for ACE American Insurance Company (NAIC No. 22667), the lead company in the ACE American Pool, which includes the following Commonwealth domestic companies:

- ACE Property and Casualty Insurance Company (NAIC No. 20699)
- ACE Fire Underwriters Insurance Company (NAIC No. 20702)
- Pacific Employers Insurance Company (NAIC No. 22748)
- Insurance Company of North America (NAIC No. 22713)
- Bankers Standard Insurance Company (NAIC No. 18279)
- Indemnity Insurance Company of North America (NAIC No. 43575)

In addition, Century Indemnity Company (NAIC No. 20710), a run-off operation, Westchester Fire Insurance Company (NAIC No. 10030) and Penn Millers Insurance Company (NAIC No. 14982) are domiciled in this Commonwealth.

Accordingly, this notice shall serve as publication by the Department under section 1406.2(d) of the act, which requires the Department to publish in the *Pennsylvania Bulletin* and on its web site the identity of international insurance groups that it has determined are subject to its groupwide supervision. This notice will also be available on the Department's web site at <https://www.insurance.pa.gov/companies/doingbusiness/pages/ace.aspx>.

Questions regarding this notice should be directed to Joseph DiMemmo, Deputy Insurance Commissioner, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-362. Filed for public inspection March 6, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and

Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Stephanie Parker-Ryan; State Farm Mutual Automobile Insurance Company; File No. 20-118-245347; Doc. No. P20-02-007; April 2, 2020, 1 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, [jkorman@pa.gov](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-363. Filed for public inspection March 6, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 23, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2020-3017579. MDT—Airport Transfer, LLC** (1780 South Cameron Street, Harrisburg, Dauphin County, PA 17104) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from Harrisburg International Airport to points in the Boroughs of Camp Hill, Carlisle, Lemoine and



Mechanicsburg, all in Cumberland County, and the Cities of Harrisburg, Dauphin County, and York, York County.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 20-364. Filed for public inspection March 6, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due March 23, 2020, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Extreme Health Care Services, LLC; Docket No. C-2019-3014312

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Extreme Health Care Services, LLC, Respondent, maintains its principal place of business at 1916 North 4th Street, Harrisburg, Pennsylvania 17102 with a main mailing address of 140 South 17th Street, Harrisburg, PA 17104.
2. That Respondent was issued a certificate of public convenience for paratransit authority by this Commission on November 26, 2013 and for limousine authority on September 11, 2013, at PUC no. 6415315.
3. That Respondent, on July 31, 2019, permitted a certain 2008 Ford bearing Pa registration number BA81707 and having Vehicle Identification No. 1FMCU931X8KB13766 to be operated.
4. That PUC Motor Carrier Enforcement Officer Travis Griffith inspected the vehicle specified in paragraph 3 on the date specified 350 North Front Street, Steelton, Dauphin County, PA. The following violations were found:
  - a. The wheel nut was missing from the front left wheel.
  - b. The front right tire had two adjacent tire tread grooves with a less than 2/32 inch tread.
5. That Respondent, by permitting a vehicle to be operated with a wheel nut missing, violated 52 Pa. Code § 29.402(1). The penalty for this violation is \$100.
6. That Respondent, by permitting a vehicle to be operated with two adjacent tire treads less than 2/32 of an inch, violated 52 Pa. Code § 29.402(1). The penalty for this violation is \$100.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Extreme Health Care Services, LLC the sum of two hundred dollars (\$200.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/06/19

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 3rd Floor  
Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Ziegler, Daniel James, t/a Dan Ziegler's Delivery Service; Docket No. C-2020-3015700**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Ziegler, Daniel James, t/a Dan Ziegler's Delivery Service, (respondent) is under suspension effective January 02, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 130 South 14th Street, Quakertown, PA 18951.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 26, 2004, at A-00120356.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00120356 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be

appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/13/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Gerald G. Martin & Sons Excavating & Trucking, Inc.; Docket No. C-2020-3016034**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Gerald G. Martin & Sons Excavating & Trucking, Inc., (respondent) is under suspension effective January 06, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 247 Mentzer Road, New Holland, PA 17557.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 10, 2018, at A-00121280.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121280 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/16/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Regional Medical Transportation, Inc.; Docket No. C-2020-3016759**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Regional Medical Transportation, Inc., (respondent) is under suspension effective January 16, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2381 Philmont Avenue, Suite 115, Huntingdon Valley, PA 19006.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 15, 2015, at A-6417773.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6417773 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/27/2020

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. JTJ Services, Inc.; Docket No. C-2020-3016987**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to JTJ Services, Inc., (respondent) is under suspension effective January 19, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 86 Simon Lane, Building PP 8B, Tullytown, PA 19007.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 22, 2009, at A-8911377.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8911377 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/29/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 20-365. Filed for public inspection March 6, 2020, 9:00 a.m.]

**PHILADELPHIA  
PARKING AUTHORITY**

**Service of Notice of Motor Carrier Applications in  
the City of Philadelphia**

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than March 23, 2020. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-20-02-06. AFGY Taxi, LLC** (614 South 54th Street, Philadelphia, PA 19143): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-20-02-07. MHA Cab, LLC** (7223 Spruce Street, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for*

*Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-20-02-08. Masuma Taxi, LLC** (334 Maypole Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 20-366. Filed for public inspection March 6, 2020, 9:00 a.m.]

