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# PENNSYLVANIA BULLETIN

Volume 46

Number 17

Saturday, April 23, 2016 • Harrisburg, PA

Pages 2019—2154

## Agencies in this issue

The Governor

The Courts

Department of Agriculture

Department of Banking and Securities

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Environmental Quality Board

Executive Board

Independent Regulatory Review Commission

Insurance Department

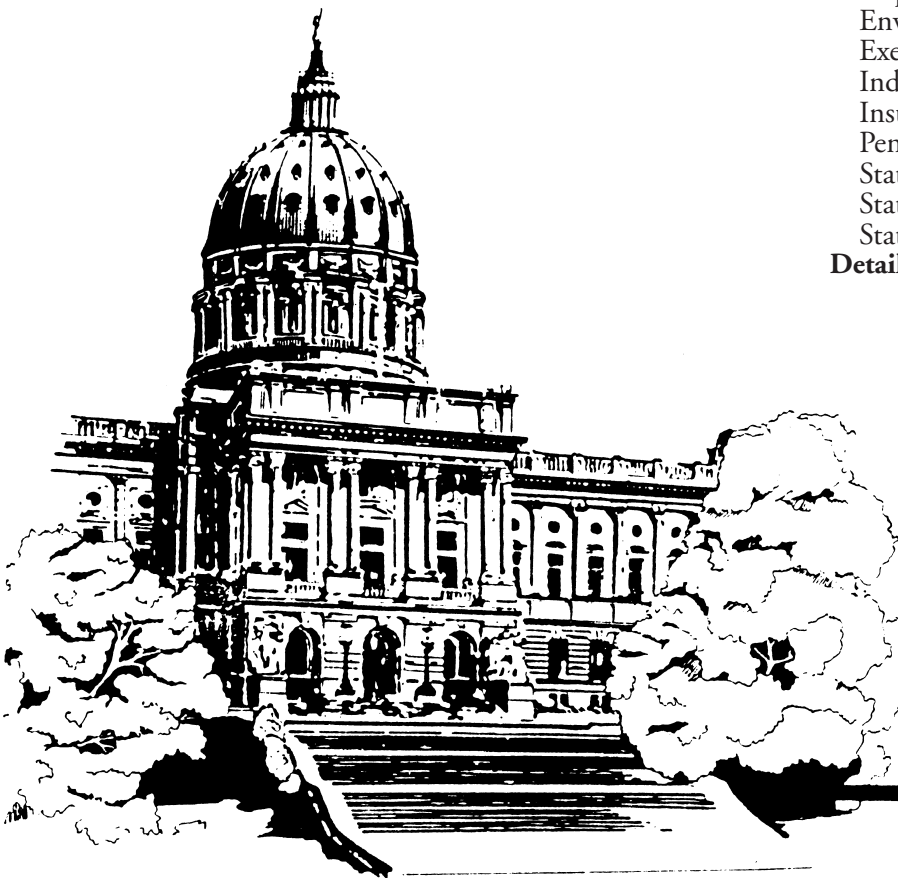
Pennsylvania Public Utility Commission

State Board of Nursing

State Board of Pharmacy

State Conservation Commission

Detailed list of contents appears inside.



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

**No. 497, April 2016**

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# CONTENTS

## THE GOVERNOR

### Executive Orders

Contract compliance ..... 2027  
 Equal employment opportunity ..... 2029

## THE COURTS

### JUDICIAL CONDUCT

Amendment to the Rules of Procedure of the Court  
 of Judicial Discipline; doc. No. 1 JD 94 ..... 2033

### LOCAL COURT RULES

#### Armstrong County

Adoption of new rules of court—2002; No. CP-03-  
 AD-0000189-2002 (3 documents) ..... 2034, 2035

#### Dauphin County

Promulgation of local rules; No. 1793 S 1989 ..... 2035

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Seed testing and seed certification fees ..... 2071

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications ..... 2073

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices ..... 2074  
 Bid opportunity ..... 2136  
 Clarification concerning emission fees for Title V  
 facilities ..... 2137  
 Climate Change Advisory Committee rescheduled  
 meeting ..... 2137  
 Coal and Clay Mine Subsidence Insurance Board  
 special meeting ..... 2137  
 Notice of no further action on the proposed modifi-  
 cation of BWEW-GP-8 ..... 2138

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Lease retail space to the Commonwealth (3 docu-  
 ments) ..... 2138

### DEPARTMENT OF HEALTH

#### Notices

Ambulatory surgical facilities; requests for excep-  
 tions ..... 2138  
 Hospitals; requests for exceptions ..... 2139  
 Human Immunodeficiency Virus (HIV) Community  
 Prevention Planning Committee public meetings .. 2139  
 Long-term care nursing facilities; requests for ex-  
 ception ..... 2140

Nursing Home Patient Safety Trust Fund surcharge  
 for fiscal year 2015-2016 as provided for under  
 the Medical Care Availability and Reduction of  
 Error (MCARE) Act ..... 2140  
 Patient Safety Trust Fund surcharge for fiscal year  
 2015-2016 as provided for under the Medical Care  
 Availability and Reduction of Error (MCARE)  
 Act ..... 2141  
 Special Supplemental Nutrition Program for  
 Women, Infants and Children (WIC Program);  
 listing of licensed infant formula sellers ..... 2142

### DEPARTMENT OF HUMAN SERVICES

#### Notices

Availability of the Office of Long-Term Living's  
 Community HealthChoices home and community-  
 based waiver ..... 2143

### ENVIRONMENTAL QUALITY BOARD

#### Rules and Regulations

Additional RACT requirements for major sources of  
 NO<sub>x</sub> and VOCs ..... 2036

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Department of Agriculture ... 2065  
 Reorganization of the Department of Human Ser-  
 vices ..... 2065  
 Reorganization of the Office of Inspector General ... 2065  
 Reorganization of the Pennsylvania State Police ... 2065

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final rulemakings ..... 2144

### INSURANCE DEPARTMENT

#### Notices

Alleged violation of insurance laws; Joel Michael  
 Riddell; doc. No. SC16-04-002 ..... 2144  
 American Progressive Life and Health Insurance  
 Company of New York (UNAM-130502444); rate  
 increase filing for several LTC forms ..... 2145  
 Appeal of Lori A. Moore; consent waiver; doc. No.  
 CW11-11-002 ..... 2145  
 Highmark Inc. (MILL-130443425); rate increase fil-  
 ing for several LTC forms ..... 2145  
 Highmark Inc. (MILL-130443539); rate increase fil-  
 ing for several LTC forms ..... 2146  
 Pennsylvania Life Insurance Company (UNAM-  
 130502405); rate increase filing for several LTC  
 forms ..... 2146  
 Review procedure hearings; cancellation or refusal  
 of insurance ..... 2146

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Extension of the fuel cost recovery surcharge special  
 permission 28207 ..... 2147  
 Service of notice of motor carrier applications ..... 2148  
 Service of notice of motor carrier formal complaints .. 2149  
 Telecommunications ..... 2151  
 Wastewater service ..... 2151

---

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---

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v. Nina Guinn Jackson, RN; file No. 16-51-04298; doc. No. 0726-51-2016 ..... 2152

Bureau of Professional and Occupational Affairs v. Christine Webster, LPN; file No. 14-51-04354; doc. No. 0637-51-14 ..... 2152

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Ramie Beth Kantner, LPN, respondent; file No. 14-51-06151; doc. No. 1184-51-15 ..... 2152

**STATE BOARD OF PHARMACY**

**Notices**

Cancer Drug Repository Program; income limits for eligibility..... 2153

**STATE CONSERVATION COMMISSION**

**Notices**

Action on odor management plans for concentrated animal operations and concentrated animal feeding operations and volunteers complying with the Commonwealth's Facility Odor Management Program..... 2153

# 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 every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; 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 repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of 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. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of 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 and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. 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. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

### **How to Find Documents**

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

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

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

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed 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; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; 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; in that order, 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 that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

**4 Pa. Code (Administration)**

**Adopted Rules**  
 1 ..... 1529, 1891, 2027, 2029  
 6 ..... 440, 853

**Proposed Rules**  
 245 ..... 354  
 247 ..... 354

**Statements of Policy**  
 9 ..... 22, 219, 1027, 1808, 2065

**12 Pa. Code (Commerce, Trade and Local Government)**

**Proposed Rules**  
 31 ..... 221

**22 Pa. Code (Education)**  
**Proposed Rules**  
 11 ..... 1806  
 73 ..... 1555

**25 Pa. Code (Environmental Protection)**

**Adopted Rules**  
 121 ..... 2036  
 129 ..... 2036  
 215 ..... 446  
 806 ..... 17  
 901 ..... 1417

**Proposed Rules**  
 93 ..... 1205, 1324  
 109 ..... 857  
 208 ..... 1421  
 210 ..... 996  
 211 ..... 996

**28 Pa. Code (Health and Safety)**  
**Proposed Rules**  
 23 ..... 1798

**31 Pa. Code (Insurance)**  
**Proposed Rules**  
 84 ..... 460  
 147 ..... 458

**40 Pa. Code (Liquor)**  
**Adopted Rules**  
 1 ..... 352  
 13 ..... 352

**Proposed Rules**  
 9 ..... 1652  
 11 ..... 1652

**49 Pa. Code (Professional and Vocational Standards)**  
**Adopted Rules**  
 25 ..... 1316  
 36 ..... 447

**Proposed Rules**  
 42 ..... 886, 888

**52 Pa. Code (Public Utilities)**  
**Adopted Rules**  
 53 ..... 449, 1791  
 1017 ..... 1203

**Proposed Rules**  
 1 ..... 1016  
 3 ..... 1016  
 5 ..... 1016  
 23 ..... 1016  
 29 ..... 1016  
 57 ..... 654  
 61 ..... 658  
 67 ..... 658

**52 Pa. Code (Public Utilities)**  
**Statements of Policy**  
 69 ..... 1902

**58 Pa. Code (Recreation)**  
**Adopted Rules**  
 53 ..... 1549  
 65 ..... 1650  
 105 ..... 1549  
 111 ..... 1549

**Proposed Rules**  
 131 ..... 1426  
 139 ..... 1427, 1553  
 141 ..... 1423, 1425, 1552  
 143 ..... 1423  
 681a ..... 1433

**67 Pa. Code (Transportation)**  
**Proposed Rules**  
 189 ..... 991

**201 Pa. Code (Rules of Judicial Administration)**  
**Adopted Rules**  
 7 ..... 1781  
 19 ..... 330

**204 Pa. Code (Judicial System General Provisions)**  
**Adopted Rules**  
 83 ..... 1642

**Proposed Rules**  
 83 ..... 978

**207 Pa. Code (Judicial Conduct)**  
**Adopted Rules**  
 3 ..... 2033  
 4 ..... 2033  
 5 ..... 2033  
 33 ..... 553  
 51 ..... 553

**210 Pa. Code (Appellate Procedure)**  
**Adopted Rules**  
 3 ..... 8  
 9 ..... 8

**231 Pa. Code (Rules of Civil Procedure)**  
**Adopted Rules**  
 200 ..... 332  
 1000 ..... 1895  
 1915 ..... 1412

**Proposed Rules**  
 200 ..... 982  
 Part II ..... 332



**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

4 ..... 1532  
5 ..... 1532  
7 ..... 1532  
8 ..... 554  
10 ..... 1532

**Proposed Rules**

1 ..... 1643  
5 ..... 1643

**237 Pa. Code (Juvenile Rules)**

**Proposed Rules**

1 ..... 555  
4 ..... 1782  
11 ..... 555

**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rules**

500 ..... 984  
1000 ..... 984

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

Unclassified .....445, 1541

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

Unclassified ..... 1542

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

Unclassified ..209, 558, 560, 647, 651, 652, 759, 854, 855,  
856, 987, 988, 989, 1192, 1201, 1311, 1312, 1314,  
1412, 1414, 1415, 1416, 1542, 1787, 1789,  
1896, 1897, 1898, 2034, 2035

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2016-05 ]

#### Contract Compliance

April 7, 2016

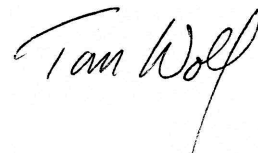
*Whereas*, this Administration is committed to promoting the prosperity and economic growth of all businesses and citizens of the Commonwealth of Pennsylvania, regardless of race, gender, creed, color, sexual orientation, or gender identity or expression; and

*Whereas*, this Administration believes the contracting processes of Commonwealth agencies should be nondiscriminatory and that all businesses contracting with the Commonwealth as well as all grantees should use nondiscriminatory practices in subcontracting, hiring, promoting, and other labor matters; and

*Whereas*, this Administration believes that a single Commonwealth agency should be assigned the responsibility of developing and managing programs for Commonwealth agencies to ensure that discrimination by reason of race, gender, creed, color, sexual orientation, or gender identity or expression does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies; and

*Whereas*, under Sections 301 and 3701 of the Commonwealth Procurement Code, the Department of General Services is generally responsible for the formulation of procurement policy.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania, do hereby designate the Department of General Services as the central agency to develop and manage Commonwealth agency programs to ensure that discrimination by reason of race, gender, creed, color, sexual orientation, or gender identity or expression does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies.



Governor

**Fiscal Note:** GOV-16-05. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter QQ. (Reserved)

§§ 1.511—1.514. (Reserved).

#### Subchapter HHH. CONTRACT COMPLIANCE PROGRAM

Sec.	
1.871.	Establishment of contract compliance program.
1.872.	Definitions.
1.873.	Responsibilities.
1.874.	Cooperation by Commonwealth agencies.

- 1.875. General provisions.  
 1.876. Rescission.  
 1.877. Effective date.

**§ 1.871. Establishment of contract compliance program.**

Commonwealth agencies shall establish, implement and maintain contract compliance programs to ensure that Commonwealth contracts and grants are nondiscriminatory in three aspects:

- (1) Nondiscrimination in the award of contracts and grants.
- (2) Nondiscrimination by those who are awarded Commonwealth contracts and grants in the hiring and treatment of their employees.
- (3) Nondiscrimination by those who are awarded Commonwealth contracts and grants in their award of subcontracts and supply contracts for performance under Commonwealth contracts.

**§ 1.872. Definitions.**

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

*Gender identity or expression*—The gender-related identity, appearance, mannerisms, expression or other gender-related characteristics of an individual regardless of the individual's designated sex at birth.

*Sexual orientation*—Heterosexuality, homosexuality or bisexuality.

**§ 1.873. Responsibilities.**

(a) The Department of General Services (Department) shall:

- (1) Develop standards for a uniform Statewide contract compliance program that ensures nondiscrimination by Commonwealth contractors and grantees.
- (2) Review agency contract compliance programs, plans, reports and procedures to ensure consistency with the Department contract compliance policies.
- (3) Develop and implement monitoring and reporting systems to measure the effectiveness of agency contract compliance programs.
- (4) Provide leadership and training to agencies and assist them in conducting contract compliance program audits such as periodic onsite reviews.
- (5) Investigate and make reports relating to the administration of contracting programs and operations.
- (6) Require contractors and grantees to agree, as a condition in their contracts or agreements with the Commonwealth, not to discriminate in the award of subcontracts or supply contracts or in hiring, promotion or other labor matters on the basis of race, gender, creed, color, sexual orientation, or gender identity or expression.
- (7) Ensure that contractors and grantees receiving Commonwealth funds have, as a condition of payment or funding, a written sexual harassment policy and that employees of the contractor or grantee are aware of the policy.

(b) Agency heads under the Governor's jurisdiction shall:

- (1) Ensure that the agency's commitment to the contract compliance program is clearly understood and appropriately furthered by all agency employees.
- (2) Create contract compliance plans, coordinate the development of activities to implement agency plans, and develop audit and reporting systems to measure the effectiveness of the agency's contract compliance programs.
- (3) Designate a responsible official to supervise the agency's contract compliance program.

(4) Designate a contract administrator to carry out all agency responsibilities regarding contract compliance as articulated in this subchapter.

(5) Upon request, furnish pertinent information or assistance to the Department.

(6) Recommend sanctions to the Secretary of General Services, as may be appropriate, for lack of compliance with Commonwealth contracting programs.

(c) For programs when an agency's receipt and use of Federal funds are subject to approval and oversight by a Federal funding agency, agency heads under the Governor's jurisdiction will comply with those contract compliance requirements imposed by that Federal agency as a condition of eligibility for the funds rather than program requirements established by the Department.

**§ 1.874. Cooperation by Commonwealth agencies.**

Agency heads and agencies, boards and commissions under the Governor's jurisdiction shall work cooperatively with the Department of General Services (Department) to fulfill the demands of this subchapter. Independent agencies, State-affiliated entities and State-related agencies are strongly encouraged to work with the Department to adopt, refine and implement similar procurement practices and procedures to support greater diversity, inclusion and fairness in the contracting process.

**§ 1.875. General provisions.**

Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency or the head thereof. This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

**§ 1.876. Rescission.**

Executive Order 2006-02, Contract Compliance, is rescinded.

**§ 1.877. Effective date.**

This subchapter takes effect immediately.

[Pa.B. Doc. No. 16-687. Filed for public inspection April 22, 2016, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CH. 1 ]**  
**[ EXECUTIVE ORDER NO. 2016-04 ]**  
**Equal Employment Opportunity**

April 7, 2016

*Whereas*, it is the policy of the Commonwealth of Pennsylvania to treat all Pennsylvanians with dignity and respect, and to enhance the recognition, dignity, and protection of all Pennsylvanians; and

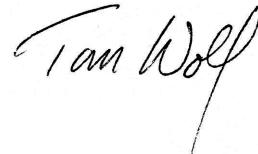
*Whereas*, the Commonwealth of Pennsylvania and its agencies should continue to be vigilant in assuring a continued commitment to treat all Pennsylvanians, including the Commonwealth's employees and officials, without regard to race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability; and

*Whereas*, this Administration believes that the employment practices of the Commonwealth of Pennsylvania must be nondiscriminatory in intent and effect to promote public confidence in the fairness and integrity of government; and

Whereas, past Governors of the Commonwealth have recognized a constitutional and legislative mandate to take affirmative steps to remedy employment discrimination and have issued Executive Orders promoting equal employment opportunity; and

Whereas, this Administration is committed to strengthening and developing equal employment opportunity programs in the Commonwealth.

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



Governor

**Fiscal Note:** GOV-16-04. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter M. (Reserved)

- § 1.161. (Reserved).
- § 1.162. (Reserved).
- § 1.165. (Reserved).
- § 1.168. (Reserved).

#### Subchapter GGG. EQUAL EMPLOYMENT OPPORTUNITY

- |        |  |
|--------|--|
| Sec.   |  |
| 1.861. | Prohibition of discrimination and affirmation of equal employment opportunity. |
| 1.862. | Definitions.   |
| 1.863. | Responsibility for implementing equal employment opportunity.                  |
| 1.864. | Cooperation by Commonwealth agencies.  |
| 1.865. | General provisions.  |
| 1.866. | Rescission.  |
| 1.867. | Effective date.  |

#### § 1.861. Prohibition of discrimination and affirmation of equal employment opportunity.

(a) An agency under the Governor's jurisdiction may not discriminate against any employee or applicant for employment on the basis of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability.

(b) Each agency under the Governor's jurisdiction shall ensure fair and equal employment opportunities exist at every level of government.

(c) Sexual harassment or harassment based on any of the factors in subsection (a) is prohibited.

#### § 1.862. Definitions.

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

*Gender identity or expression*—The gender-related identity, appearance, mannerisms, expression or other gender-related characteristics of an individual regardless of the individual's designated sex at birth.

*Sexual orientation*—Heterosexuality, homosexuality or bisexuality.

#### § 1.863. Responsibility for implementing equal employment opportunity.

(a) The Secretary of Administration shall supervise the development, implementation and enforcement of the Commonwealth's equal employment

opportunity programs through the Bureau of Workforce Planning, Development and Equal Employment Opportunity, which shall in turn:

(1) Develop and promote steps designed to ensure a diverse workforce, equal employment opportunity and fair treatment of the protected classes in § 1.861(a) (relating to prohibition of discrimination and affirmation of equal employment opportunity) at all levels of state government.

(2) Develop Commonwealth-wide equal employment opportunity policies, procedures and training to ensure consistency and uniformity.

(3) Conduct or participate in periodic onsite reviews and audits of agency equal employment opportunity programs.

(4) Develop complaint investigation and resolution procedures for implementation by agencies under the Governor's jurisdiction.

(5) Review complaint investigation reports at any stage of the complaint process.

(6) Develop and implement a standardized equal employment opportunity procedure to monitor personnel transactions in Commonwealth agencies under the Governor's jurisdiction.

(7) Develop and issue guidelines for the conduct of agency equal employment opportunity programs and the review of equal employment opportunity plans prior to implementation.

(8) Design and implement monitoring and reporting systems to measure the effectiveness of agency equal employment opportunity programs.

(9) Consult with agency officials regarding personnel actions implicating equal employment opportunity, including recruitment, hiring, promotion, demotion, separation, transfer, performance standards and evaluation, and rate of pay.

(10) Provide leadership to agencies in the design and implementation of innovative equal employment opportunity strategies that will further the Commonwealth's commitment to equal employment opportunity.

(11) Examine in particular whether employees or applicants for employment experience workplace challenges due to sexual orientation and/or gender identity or expression and identify ways to minimize any the challenges.

(12) Evaluate the Commonwealth's hiring and job retention practices to ensure compliance with this subchapter.

(13) Coordinate, as needed, with the Bureau of Diversity, Inclusion and Small Business Opportunities within the Department of General Services to ascertain how equal employment opportunity best practices can promote diversity, inclusion and fairness in Commonwealth contracting.

(b) Heads of departments and agencies under the Governor's jurisdiction shall:

(1) Designate an Equal Opportunity Officer with the primary responsibility of developing and implementing the agency's equal employment opportunity program.

(2) Ensure that the agency Equal Opportunity Officer reports directly to the individual who has overall responsibility for the agency's equal employment opportunity program.

(3) Ensure that the agency's commitment to equal employment opportunity is clearly transmitted to agency employees and that bureau directors and managers provide adequate support to the Equal Opportunity Manager or Specialist in the development and implementation of program plans designed to achieve the agency's equal employment opportunity objectives.

(4) Seek input from the Director of the Bureau of Workforce Planning, Development and Equal Employment Opportunity on personnel actions affecting equal employment opportunity professional staff.

(5) Ensure that the agency develops and implements effective equal employment opportunity plans in addition to auditing and reporting mechanisms.

(6) Ensure that agency supervisory and management employees are rated on equal employment opportunity, diversity and inclusiveness based in part upon criteria identified in the agency's equal employment opportunity plan.

**§ 1.864. Cooperation by Commonwealth agencies.**

Agency heads and agencies, boards and commissions under the Governor's jurisdiction shall work cooperatively with the Governor's Office of Administration and its Bureau of Workforce Planning, Development and Equal Employment Opportunity to fulfill the demands of this subchapter. Independent agencies, State-affiliated entities and State-related agencies are strongly encouraged to join with the Governor's Office of Administration to adopt, refine and implement similar practices and procedures to support greater diversity, inclusion and fairness in employment opportunities within their workforce.

**§ 1.865. General provisions.**

Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency or the head thereof. This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

**§ 1.866. Rescission.**

Executive Order 2003-10, Equal Employment Opportunity, is rescinded.

**§ 1.867. Effective date.**

This subchapter takes effect immediately.

[Pa.B. Doc. No. 16-688. Filed for public inspection April 22, 2016, 9:00 a.m.]



# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[ 207 PA. CODE CHS. 3, 4 AND 5 ]

#### Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

##### Order

And Now, this 12th day of April, 2016, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted the amendments to Rules of Procedures Nos. 303, 422, and 501, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That said Rules shall become effective immediately.  
*Per Curiam*

ROBERT J. COLVILLE,  
*President Judge*

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 303. [ **Board Complaints; Amendment and Consolidation. ] Amendments to Pleadings; Consolidation; Withdrawal.**

(A) *Amendments.* [ **Upon motion of the Board, the Conference Judge may, in his or her discretion, permit substantive amendments to a Board Complaint with the written consent of the Judicial Officer or after a hearing on the motion in open court. ] Upon motion, the Court or the Conference Judge may permit amendments to a Board Complaint with the written consent of the Judicial Officer or after hearing in open court where the Judicial Officer fails to demonstrate undue prejudice. Any party may file any other amended pleading by consent of the other party or by leave of court. The proposed amended pleadings shall be attached to any motion to amend.**

(B) *Consolidation.*

(1) The Conference Judge may, for purposes of trial, upon his or her own motion, after notice to the Board and the Judicial Officer, or upon motion of the Board or the Judicial Officer, consolidate some or all of the charges against an individual Judicial Officer contained in separate Board Complaints filed pursuant to Rule 301(A).

(2) The Conference Judge may, on his or her own motion, and after notice to the Board and the Judicial Officer, consolidate two or more Board Complaints against an individual Judicial Officer for purposes of imposing sanctions pursuant to Rule 504.

(3) In matters pending before the Court which involve a common question of law or fact or which arise from the same transaction or occurrence, a Conference Judge may, for any purpose, upon his or her own motion, after notice

to the Board and the Judicial Officers, or upon motion of the Board or a Judicial Officer, order the matters consolidated, and may make orders which avoid unnecessary costs or delay.

(C) *Withdrawal.* **Upon motion, a Board Complaint may be withdrawn by the Board with the written consent of the Judicial Officer or after a hearing in open court where the Judicial Officer fails to demonstrate undue prejudice. Such undue prejudice may occur at the time of withdrawal or at the time of possible future refileing.**

*Official Note:* This rule is derived from former interim Rule 18.

#### CHAPTER 4. PRE-TRIAL PROCEEDINGS

#### DEFERRAL OF DISPOSITION

(*Editor's Note:* The following rule is new and printed in regular type to enhance readability.)

#### Rule 422. Deferral of Disposition.

(a) The Court may defer the litigation of a case where a direct criminal appeal is pending and the judicial officer still holds his or her judicial office, or for other good cause.

(b) In cases where the judicial officer has resigned, retired, or no longer holds office, including cases where the judicial office has been forfeited as a result of a criminal conviction of a felony, deferral is unlikely to be granted absent other substantial factors sufficient to overcome the presumption that a prompt disposition of the case is in the best interests of the judicial system.

*Official Note:* The Court regularly receives requests to defer the disposition of judicial discipline cases where the respondent judge is either awaiting trial on criminal charges, a criminal indictment is impending, or the judge has been convicted of criminal conduct but an appeal is pending. In such cases, the Court recognizes that the respondent judge's right to avoid incrimination under the Fifth Amendment to the United States Constitution, and applicable provisions in the Constitution of Pennsylvania, have a chilling effect on the ability of the judge to offer testimony at a trial on judicial disciplinary issues. At the same time, the Court must seek to protect public confidence in the judiciary and the integrity of the judicial system through a prompt disposition of cases pending before it. This Rule is intended to balance those competing interests by protecting a respondent judge's Constitutional rights and their property interest in holding elective office with the countervailing interest of ensuring public confidence in the judicial system.

#### CHAPTER 5. TRIAL PROCEDURES

#### Rule 501. Appointment of Panel.

(A) The President Judge may appoint a Panel which shall be authorized to act on behalf of the Court. The Panel shall conduct the trial on the Board Complaint.

(B) The Panel shall consist of no fewer than three members of the Court, one of whom shall be the Conference Judge, [ **adopted** ] **appointed** pursuant to Rule 301(B) [ , and, whenever possible, one of whom shall be a non-lawyer elector ]. **The Conference Judge shall preside at the trial.**

**Official Note:** This rule is derived from former interim Rule 24.

[Pa.B. Doc. No. 16-689. Filed for public inspection April 22, 2016, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

##### Order of Court

*And Now*, this 4th day of April, 2016, it is hereby *Ordered* as follows:

1. Local Rule of Criminal Procedure Numbered 117 is hereby amended to read as follows:

**Rule 117. Magisterial District Judges. Coverage. Admission to Bail by Jail Warden or Designee.**

(a) All Magisterial District Judge Offices shall be open for regular business from 8:00 A.M. to 4:30 P.M., prevailing time, Monday through Friday, except for County holidays.

(b) Magisterial District Judges shall be available twenty-four hours per day every day to provide continuous coverage for the services recited in Pa.R.Cr.P. 117(A) and for services required in any Protection from Abuse Act case. A Magisterial District Judge shall be deemed to have satisfied this directive by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court. The schedule, and any amendments or alterations thereof, shall be distributed and publicized in accord with past practice.

(b.1) Notwithstanding any provision of subsection (b), above, to the contrary, the on-call magisterial district judge may preliminarily arraign, using advanced communication technology, any arrestee who has been transported to and lodged in the Armstrong County Jail (as permitted by 61 P.S. § 798) in any ten-hour cycle commencing at 9:00 p.m. and ending at 7:00 a.m. prevailing time. Such on-call magisterial district judge shall make inquiry of jail personnel prior to 7:00 a.m. to determine if any preliminary arraignment need be conducted, and if so, shall forthwith conduct the same.

(c) On forms prescribed by the Court, a Magisterial District Judge may request additions or amendments to the schedule prepared by the Court in order to provide for vacations, emergencies, and the like.

(d) In addition to those persons who are authorized by statute or the Pennsylvania Rules of Criminal Procedure to admit an arrestee to bail, the Warden of the Armstrong County Jail, or the designee of the Warden, shall have the authority to do the same in accordance with and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

2. The Court Administrator shall take all steps required by Pa.R.Crim.P. 105 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

3. This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System's web site.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 16-690. Filed for public inspection April 22, 2016, 9:00 a.m.]

### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

##### Order of Court

*And Now*, this 31st day of March, 2016, it is hereby *Ordered* as follows:

1. Local Rule of Civil Procedure numbered 2039 is hereby amended to read as follows:

**Rule 2039. Compromise, Settlement, Discontinuance. Distribution. Petition. Contents.**

(a) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of a minor shall contain a description of the injury, a brief account of the circumstances under which it was sustained, a statement of the nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel, and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

(b) The Court will not entertain a petition under Pa.R.C.P. 2039 unless the minor's guardian has commenced an action in this Court by filing either a praecipe for writ of summons or a complaint, with subsequent service of the writ or the complaint.

(c) In each and every case, the Court will conduct a hearing on the petition. The petitioner shall file a proposed scheduling order for the hearing at the time the petition is filed. The subject child or children shall be present for the hearing.

(d) A certified copy of the petition and a certified copy of the scheduling order shall be served by the petitioner upon any non-petitioning parent at least ten days in advance of the hearing unless the written consent, joinder or statement of no objection of the non-petitioning parent to the proposed compromise, settlement, discontinuance and distribution is attached to the petition.

##### Comment

The jurisdictional power of the Court to try the action is a prerequisite to the Court's authority to approve its compromise, settlement or discontinuance; hence the requirement for service of original process. See *Roche v. Scavicchio*, 70 Pa.D&C 75 (Phila. 1950).

3. The Court Administrator shall take all steps required by Pa.R.C.P. No. 239 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

4. This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 16-691. Filed for public inspection April 22, 2016, 9:00 a.m.]

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### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

##### Order of Court

*And Now*, this 31st day of March, 2016, it is hereby *Ordered* that Local Orphans' Court Rule 12.16 be *Rescinded*.

1. The Court Administrator shall take all steps required by Pa.R.C.P. No. 239 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

2. This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 16-692. Filed for public inspection April 22, 2016, 9:00 a.m.]

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### DAUPHIN COUNTY

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

##### Order

*And Now*, this 8th day of April 2016, Dauphin County Local Rule of Civil Procedure 1920.51A is amended and Rule 1920.55-2 is promulgated as follows:

1920.51A. Filing Fee [; **Compensation of Master and Stenographer** ].

[ (3) **The Court shall pay an appearance fee by a**

**stenographer if one is hired to record the masters' proceedings. The cost of transcripts shall be borne by the parties. ]**

*(Editor's Note: The following rule is new and printed in regular type to enhance readability.)*

#### **1920.55-2. Transcripts—Hearings Before Divorce Master.**

(a) If a settlement agreement is placed on the record and transcribed by a Court Reporter, the cost of transcription shall be paid by the Court. The Court Reporter will file the original transcript with the Prothonotary and provide a copy to each party.

(b) At the close of testimony, the Divorce Master will ask if the parties want a transcript and the Court Reporter will provide an estimate of the cost of the transcript. The Divorce Master will apportion the cost of the transcript in the order issued after hearing. It is the responsibility of the party(ies) to contact the Court Reporter and make payment arrangements.

(c)(1) If the Divorce Master needs the Master's hearing record transcribed to aid in drafting a Report and Recommendation, the Master shall apportion the transcript costs between the parties and set a deadline for the fee to be paid. The Court Reporter will file the original and provide a copy to the Master. Copies will not be provided to the parties unless requested and the party pays the cost to the Court Reporter.

(2) The Divorce Master may ask the Court Reporter to provide a rough draft in electronic format to the Master for use in preparation of the Report and Recommendation at a reduced cost. If the parties subsequently request a formal transcript, they will receive a credit toward the cost.

(d) If Exceptions to the Report and Recommendation of the Divorce Master are filed, an official transcript must be filed. The Divorce Master shall make a recommendation as to the allocation of costs of the transcript.

These amendments shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 16-693. Filed for public inspection April 22, 2016, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 129 ]

#### Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs

The Environmental Quality Board (Board) amends Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A. The final-form rulemaking amends Chapter 129 to adopt presumptive reasonably available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO<sub>x</sub>) and volatile organic compound (VOC) emissions. The final-form rulemaking also provides for a petition process for an alternative compliance schedule, a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan provision, an alternative RACT proposal petition process, and compliance demonstration and recordkeeping requirements.

The final-form rulemaking also amends § 121.1 (relating to definitions) to revise or add terms to support the final-form amendments to Chapter 129.

This order was adopted by the Board at its meeting of November 17, 2015.

#### A. Effective Date

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

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) upon publication.

#### B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Robert "Bo" Reiley, Assistant Director, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available 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 (EQB)").

#### C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (act) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and section 5(a)(8) of the act, which grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

#### D. Background and Summary

The EPA is required under section 109 of the CAA (42 U.S.C.A. § 7409) to set National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, of which ground-level ozone is one. The NAAQS are established by the EPA as the maximum concentrations in the ambient atmosphere for specific air contaminants to protect public health and welfare.

Ozone is a highly reactive gas which at sufficient concentrations can produce a wide variety of harmful effects. At elevated concentrations, ground-level ozone can adversely affect human health, vegetation, materials, economic values, and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ozone pollution may cause a variety of adverse health effects for healthy people and those with existing conditions including difficulty breathing, chest pains, coughing, nausea, throat irritation and congestion. It can worsen bronchitis, heart disease, emphysema and asthma, and reduce lung capacity. Asthma is a significant and growing threat to children and adults. High levels of ground-level ozone also affect animals in ways similar to humans.

The EPA promulgated primary and secondary NAAQS for photochemical oxidants under section 109 of the CAA at 36 FR 8186 (April 30, 1971). These were set at an hourly average of 0.08 parts per million (ppm) total photochemical oxidants not to be exceeded more than 1 hour per year. The EPA announced a revision to the then-current 1-hour standard at 44 FR 8202 (February 8, 1979). The EPA final rule revised the level of the primary 1-hour ozone standard from 0.08 ppm to 0.12 ppm and set the secondary standard identical to the primary standard. This revised 1-hour standard was subsequently reaffirmed at 58 FR 13008 (March 9, 1993).

Section 110 of the CAA (42 U.S.C.A. § 7410) gives states primary responsibility for achieving the NAAQS. The principal mechanism at the state level for complying with the CAA is the SIP. A SIP includes the regulatory programs, actions and commitments a state will carry out to implement its responsibilities under the CAA. Once approved by the EPA, a SIP is legally enforceable under both Federal and state law.

Section 182 of the CAA (42 U.S.C.A. § 7511a) requires that, for areas that exceed the NAAQS for ozone, states shall develop and implement a program that mandates that certain major stationary sources develop and implement a RACT program. RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. See 44 FR 53762 (September 17, 1979).

Under section 182(f)(1) of the CAA and section 184(b)(2) of the CAA (42 U.S.C.A. § 7511c(b)(2)), these RACT requirements are applicable to all sources in this Commonwealth that emit or have a potential to emit greater than 100 tons per year (tpy) of NO<sub>x</sub>. Under sections 182(b)(2) and 184(b)(2) of the CAA, these RACT requirements are applicable to all sources in this Commonwealth that emit or have a potential to emit greater than 50 tpy of VOCs. NO<sub>x</sub> and VOC controls are required Statewide because of the Commonwealth's inclusion in the Northeast Ozone Transport Region. See section 184(a) of the CAA. Additionally, because the five-county Philadelphia area was designated as severe ozone nonattainment for



the 1-hour standard, sources of greater than 25 tpy of either pollutant are required to implement RACT under section 182(d) of the CAA. The Commonwealth's RACT regulations in §§ 129.91—129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) were implemented for the 1-hour ozone standard. These regulations became effective January 15, 1994.

The EPA concluded that revisions to the current primary standard to provide increased public health protection were appropriate at this time to protect public health with an adequate margin of safety. See 62 FR 38856 (July 18, 1997). Further, the EPA determined that it was appropriate to promulgate primary and secondary ozone standards at a level of 0.08 ppm averaged over 8 hours. See 62 FR 38856. The EPA lowered the 8-hour standard from 0.08 ppm to 0.075 ppm at 73 FR 16436 (March 27, 2008).

The EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS at 69 FR 23858, 23931 (April 30, 2004). The EPA published final designations and classifications for the 2008 8-hour ozone standards at 77 FR 30088 (May 21, 2012) with an effective date of July 20, 2012. The following nonattainment areas were classified as "marginal" ozone nonattainment areas: Allentown-Bethlehem-Easton (Carbon, Lehigh and Northampton Counties); Lancaster (Lancaster County), Philadelphia-Wilmington-Atlantic City (the Pennsylvania areas include Bucks, Chester, Delaware, Montgomery and Philadelphia Counties); Pittsburgh-Beaver Valley (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties); and the Reading area (Berks County); the remainder of this Commonwealth was designated "Unclassifiable/Attainment." See 77 FR 30088, 30142. The Commonwealth must ensure that these areas attain the 2008 ozone standard by July 20, 2015, and that they continue to maintain the standard thereafter. The Department will seek an extension of the July 2015 8-hour ozone NAAQS attainment date for the five-county Philadelphia Area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) due to several violating monitors in Maryland and New Jersey, and for the seven-county Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties).

A re-evaluation of what measures constitute RACT is a requirement to be fulfilled each time a NAAQS is promulgated or revised, as happened in 1997 and 2008 for ozone. According to the EPA's final rule to implement the 8-hour ozone NAAQS published at 70 FR 71612 (November 29, 2005), areas classified as "moderate" nonattainment or higher must submit a demonstration, as a revision to the SIP, that their current rules fulfill 8-hour ozone RACT requirements for all Control Techniques Guidelines (CTG) categories and all major, non-CTG sources.

According to this implementation rule, demonstrations can be made with either a new RACT determination or a certification that previously-required RACT controls represent RACT for the 8-hour ozone NAAQS. The certification should be accompanied by appropriate supporting information, such as consideration of information received during the public comment period. The RACT SIP revision submittal is in addition to the 8-hour ozone attainment demonstration plan for the area, which will also be a revision to the Commonwealth's SIP. The RACT SIP revision was required to be submitted to the EPA by September 15, 2006.

The Commonwealth submitted a SIP revision in September 2006 certifying that RACT determinations made for the 1-hour ozone standard from 1995 to 2006 under §§ 129.91—129.95 were still RACT for the 8-hour standard, including for those sources where a determination was made that "no controls" continued to represent RACT for the 1-hour ozone standard. However, the EPA informally indicated to the Department that based on *NRDC v. EPA*, 571 F.3d 1245 (July 10, 2009), a reanalysis rather than certification is necessary for sources for which the Department previously determined that "no controls" represented RACT for the 1-hour ozone standard.

As a result of the EPA's decision, the Department conducted a generic RACT analysis of those existing sources for which a RACT determination was previously made under §§ 129.91—129.95 for the 1-hour ozone standard to evaluate whether the RACT determination under §§ 129.91—129.95 would represent RACT-level control for the 8-hour ozone standards or if new or additional add-on control technology would represent RACT-level control for the 8-hour ozone NAAQS. That generic analysis identified existing affected source categories by size and fuel type; identified available feasible NO<sub>x</sub> or VOC control options for each type of existing source; estimated emission reduction potential for each control technology; identified costs for technologies, using appropriate updates; evaluated cost-effectiveness per EPA guidance for uncontrolled and controlled sources (combinations of technologies); and projected what type of control technology might be applied to each affected source. The Department evaluated technically feasible emission controls for cost-effectiveness and economic feasibility. Based on this analysis, the Board determined that additional cost-effective controls represent RACT for the 8-hour ozone NAAQS. There are nine source categories that are affected by this final-form rulemaking: combustion units; boilers; process heaters; turbines; engines; municipal solid waste landfills; municipal waste combustors; cement kilns; and other sources that are not regulated elsewhere under Chapter 129.

All together, this final-form rulemaking affects the owners and operators of approximately 810 individual sources at 192 major facilities throughout this Commonwealth. Under this final-form rulemaking, the Board anticipates that the total potential NO<sub>x</sub> emission reductions will be approximately 253,623 tpy. The amount of NO<sub>x</sub> and VOC emission reductions achieved as a result of the application of RACT-level control is determined on the basis of the source's potential to emit before and after the application of RACT-level control.

The Board determines that this final-form rulemaking fulfills the requirements for re-evaluation of RACT-level control for the 1997 and 2008 ozone NAAQS and is less resource intensive than imposing case-by-case analysis for affected facilities in the covered categories, as was done under §§ 129.91—129.95. As more fully discussed in Section E of this preamble, the Board finalized a suite of compliance options. The owner and operator of an individual affected source may demonstrate compliance for that source in one of three ways: first, with the applicable presumptive RACT requirement or emission limitation under § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule); second, either by participating in the emissions averaging plan under § 129.98 (relating to facility-wide or system-wide NO<sub>x</sub> emissions averaging plan general requirements) or by submitting a request for an alternative case-by-case RACT determina-

tion under § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule).

The Board determines that the requirements under this final-form rulemaking are reasonably necessary to attain and maintain the 8-hour ozone NAAQS.

The Air Quality Technical Advisory Committee (AQTAC) was briefed on the final-form rulemaking and public comments on November 7, 2014. The AQTAC recommended that the preamble to the final-form rulemaking include the clarifications for the following sections: § 129.96(c) (relating to applicability) and § 129.97(c)—applicability to sources emitting less than 1 ton; and § 129.100(a) (relating to compliance demonstration and recordkeeping requirements)—calculations for the 30-day rolling average. Following its discussion on November 7, 2014, the AQTAC voted 11-5-0 (yes; no; abstain) to concur with the Department's recommendation to move the final-form rulemaking forward to the Board for consideration. The draft final-form rulemaking was discussed with the Small Business Compliance Advisory Committee (SBCAC) on January 28, 2015. The SBCAC voted 6-2-0 to concur with the Department's recommendation to forward the final-form rulemaking to the Board. The final-form rulemaking was discussed with the Citizens Advisory Council (CAC), Policy and Regulatory Oversight Committee on February 20, 2015, and May 12, 2015. The Policy and Regulatory Oversight Committee recommended that the CAC concur with the Department's recommendation to move the final-form rulemaking forward to the Board. However, the CAC tabled consideration of the final-form rulemaking at its March 17, 2015, and May 20, 2015, meetings. The CAC considered the final-form rulemaking at its September 15, 2015, meeting. The CAC raised several concerns and recommendations that were considered by the Department. The CAC supported the adoption of the final-form rulemaking and unanimously voted to concur with advancing it to the Board for action.

#### *E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking*

##### *§ 121.1. Definitions*

The final-form rulemaking amends § 121.1 by revising the terms "CEMS—continuous emissions monitoring system," "major NO<sub>x</sub> emitting facility," "major VOC emitting facility" and "stationary internal combustion engine or stationary reciprocating internal combustion engine" and by adding the terms "process heater," "refinery gas," "regenerative cycle combustion turbine," "simple cycle combustion turbine" and "stationary combustion turbine."

The final-form rulemaking made clarifying changes to "CEMS—continuous emissions monitoring system" and "stationary internal combustion engine or stationary reciprocating internal combustion engine."

In addition, under the final-form rulemaking the definitions of "major NO<sub>x</sub> emitting facility" and "major VOC emitting facility" are amended. The 25 tpy major source NO<sub>x</sub> and VOC thresholds do not apply in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties for sources that would be subject to §§ 129.96—129.100. For the purposes of this final-form rulemaking, the 100-tpy threshold applies for major NO<sub>x</sub> emitting sources and the 50-tpy threshold applies for major VOC emitting sources in those counties. However, the existing 25-tpy major source NO<sub>x</sub> and VOC thresholds continue to apply to RACT sources subject to §§ 129.91—129.95 in those counties.

##### *§ 129.96. Applicability*

Under subsection (a), the NO<sub>x</sub> requirements of the final-form rulemaking apply Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility and the VOC requirements apply Statewide to the owner and operator of a major VOC emitting facility that were in existence on or before July 20, 2012, for which a requirement or emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

Under subsection (b), the NO<sub>x</sub> requirements of the final-form rulemaking apply Statewide to the owner and operator of a NO<sub>x</sub> emitting facility and the VOC requirements apply Statewide to the owner and operator of a VOC emitting facility when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility and for which a requirement or an emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

Under subsections (a) and (b), the final-form rulemaking was clarified to ensure that it applies Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility that was in existence on or before July 20, 2012. That is, the NO<sub>x</sub> requirements apply Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility and the VOC requirements apply Statewide to the owner and operator of a major VOC emitting facility.

Subsection (c) was added to provide that the requirements do not apply to the owner and operator of a NO<sub>x</sub> air contamination source located at a major NO<sub>x</sub> emitting facility that has the potential to emit less than 1 tpy of NO<sub>x</sub> or of a VOC air contamination source located at a major VOC emitting facility that has the potential to emit less than 1 tpy of VOC. This change addresses one of the concerns raised by the AQTAC at its November 7, 2014, meeting.

Subsection (d) was added to provide that the requirements do not apply to the owner and operator of a facility which is not a major NO<sub>x</sub> emitting facility or a major VOC emitting facility on or before January 1, 2017.

##### *§ 129.97. Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule*

Under subsection (a), the owner and operator of a source listed in one or more of subsections (b)—(h) located at a major NO<sub>x</sub> emitting facility or major VOC emitting facility subject to § 129.96 shall comply with the applicable presumptive RACT requirement or RACT emission limitation beginning with the specified compliance date, unless an alternative compliance schedule is submitted and approved under subsections (k)—(m) or § 129.99.

Under subsection (b), the owner and operator of a listed combustion unit that is located at a major NO<sub>x</sub> emitting facility or major VOC emitting facility subject to § 129.96 shall comply with the applicable presumptive RACT requirement for that source, which includes, among other things, inspection and adjustment requirements.

The applicable requirements of paragraphs (1) and (2) have been clarified in the final-form rulemaking. The owner and operator of an affected combustion unit which is located at a major NO<sub>x</sub> emitting facility or major VOC

emitting facility subject to § 129.96 shall comply with the applicable requirements in paragraph (1) or (2).

Paragraph (1) has been amended to delete the reference to the requirements in paragraph (2) and to specify that the applicable requirement for the owner and operator of a combustion unit with a rated heat input equal to or greater than 20 million British thermal units (Btu)/hour and less than 50 million Btu/hour is a biennial tune-up conducted in accordance with the procedures described in 40 CFR 63.11223 (relating to how do I demonstrate continuous compliance with the work practice and management practice standards). The biennial tune-up performed to comply with this paragraph must include, at a minimum, the inspections in subparagraphs (i)—(iii).

Paragraph (2) has been amended to delete the requirements that applied only to an oil-fired, a gas-fired or a combination oil-fired and gas-fired combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour. Additionally, the reference to the 1983 EPA document has been deleted. Paragraph (2) specifies that the owner or operator of a combustion unit with an oxygen trim system that maintains an optimum air-to-fuel ratio that would otherwise be subject to a biennial tune-up shall conduct a tune-up of the boiler one time in each 5-year calendar period. The tune-up performed to comply with this paragraph must include, at a minimum, the inspections in subparagraphs (i)—(iii).

Under subsection (c), the owner and operator of a source listed in this subsection located at a major NO<sub>x</sub> emitting facility or major VOC emitting facility subject to § 129.96 shall comply with the applicable presumptive RACT requirement, which includes, among other things, the operation of the source in accordance with the manufacturer's specifications and good operating practices.

In subsection (c), "good engineering practices" has been amended to "good operating practices" and air contamination sources that have the potential to emit less than 5 tpy of NO<sub>x</sub> or the potential to emit less than 2.7 tpy of VOC have been added to the list of sources for which the owner and operator shall install, maintain and operate in accordance with the manufacturer's specifications and with good operating practices. Additionally, language regarding the annual capacity factors that must be used for certain units has been added.

Under subsection (d), the owner and operator of a combustion unit or other combustion source located at a major VOC emitting facility subject to § 129.96 shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices for the control of the VOC emissions from the combustion unit or other combustion source.

Under subsection (d), "good engineering practices" has been amended to "good operating practices" and clarifying changes were made to ensure that the owner and operator of an affected VOC facility shall install, maintain and operate the source in accordance with specified requirements.

Under subsection (e), the owner and operator of a municipal solid waste landfill subject to § 129.96 shall comply with the applicable presumptive RACT requirement identified under paragraph (1) or (2). No changes were made from proposed to final-form rulemaking.

Under subsection (f), the owner and operator of a municipal waste combustor subject to § 129.96 shall

comply with the presumptive RACT requirement of 180 parts per million, volumetric dry (ppmvd) NO<sub>x</sub> @ 7% oxygen.

Under subsection (f), the applicable requirement for a municipal waste combustor was revised from the proposed requirement of the applicable Federal standards to the final-form rulemaking requirement of 180 ppmvd NO<sub>x</sub> @ 7% oxygen.

Under subsection (g), except as specified under subsection (c), the owner and operator of a NO<sub>x</sub> air contamination source listed in this subsection located at a major NO<sub>x</sub> emitting facility or of a VOC air contamination source listed in this subsection located at a major VOC emitting facility subject to § 129.96 may not cause, allow or permit NO<sub>x</sub> or VOCs to be emitted from the air contamination source in excess of the applicable presumptive RACT emission limitation under paragraphs (1)—(4).

Under subsection (g), a number of minor clarifications were made regarding grammar and the types of fuels used with certain air contamination sources.

In addition to these clarifications, a number of substantive changes were made to the RACT limitations under subsection (g) between proposed and final-form rulemaking.

For instance, under subsection (g)(1)(i), the presumptive RACT emission limitation for natural gas-fired combustion units or process heaters with a rated heat input equal to or greater than 50 million Btu/hour was changed from 0.08 to 0.10 lb NO<sub>x</sub>/million Btu heat rate.

Under subsection (g)(1)(vi)(A), the presumptive RACT emission limitation for a circulating fluidized bed (CFB) combustion unit was changed from 0.20 to 0.16 lb NO<sub>x</sub>/million Btu heat input.

Under subsection (g)(2)(i)(B) and (D), the presumptive RACT emission limitation for certain combustion units when firing fuel oil was changed from 75 to 96 ppmvd NO<sub>x</sub> @ 15% oxygen and from 2 to 9 ppmvd VOC (as propane) @ 15% oxygen, respectively.

Under subsection (g)(2)(i)(C), the presumptive RACT emission limitation for certain combustion units when firing natural gas or noncommercial gaseous fuel was changed from 2 to 5 ppmvd VOC (as propane) @ 15% oxygen.

Under final-form subsection (g)(2)(iv), proposed subsection (g)(2)(iii), the rated output for an affected simple cycle or regenerative cycle combustion turbine was increased from equal to or greater than 1,000 bhp to equal to or greater than 6,000 bhp. Furthermore, under subsection (g)(2)(iv)(B), the presumptive RACT emission limitation for these turbines that burn fuel oil was changed from 75 to 96 ppmvd NO<sub>x</sub> @ 15% oxygen.

Under subsection (g)(3)(i)(B), the presumptive RACT emission limitation for a lean burn stationary internal combustion engine with a rating equal to or greater than 500 bhp that burns natural gas or a noncommercial gaseous fuel, liquid fuel or dual-fuel was revised from 0.4 to 1.0 gram VOC/bhp-hr excluding formaldehyde.

The following subparagraphs were added to subsection (g)(1) in the final-form rulemaking: subparagraph (vii)—the presumptive RACT emission limitation for any other type of solid fuel-fired combustion unit with a rated heat input equal to or greater than 50 million Btu/hr is 0.25 lb NO<sub>x</sub>/million Btu heat input; subparagraph (viii)—the presumptive RACT emission limitation for a coal-fired combustion unit with a selective catalytic reduction (SCR)



system operating with an inlet temperature equal to or greater than 600°F is 0.12 lb NO<sub>x</sub>/million Btu heat input and compliance with this limit is also required when by-passing the SCR system; and subparagraph (ix)—the presumptive RACT requirement for a coal-fired combustion unit with a selective noncatalytic reduction (SNCR) system is that the SNCR system shall be operated with the injection of reagents including ammonia or other NO<sub>x</sub>-reducing agents, when the temperature at the area of the reagent injection is equal to or greater than 1,600°F.

Subsection (g)(2)(iii) was added in the final-form rulemaking. A presumptive RACT emission limitation was added for a simple cycle or regenerative cycle combustion turbine with a rated output equal to or greater than 1,000 bhp and less than 6,000 bhp: clause (A)—when firing natural gas or a noncommercial gaseous fuel is 150 ppmvd NO<sub>x</sub> @ 15% oxygen; clause (B)—when firing fuel oil is 150 ppmvd NO<sub>x</sub> @ 15% oxygen; clause (C)—when firing natural gas or a noncommercial gaseous fuel is 9 ppmvd VOC (as propane) @ 15% oxygen; and clause (D)—when firing fuel oil is 9 ppmvd VOC (as propane) @ 15% oxygen. Proposed subsection (g)(2)(iii) has been renumbered as final-form subsection (g)(2)(iv).

Under subsection (h), the owner and operator of a Portland cement kiln subject to § 129.96 shall comply with the applicable presumptive RACT emission limitation under paragraphs (1)—(3). No changes were made from proposed to final-form rulemaking.

Under subsection (i), among other things, the requirements and emission limitations of this section supersede the requirements and emission limitations of a RACT permit issued to the owner or operator of an air contamination source subject to one or more of subsections (b)—(h) prior to April 23, 2016, under §§ 129.91—129.95 to control, reduce or minimize NO<sub>x</sub> emissions or VOC emissions, or both, from an air contamination source unless the permit contains more stringent requirements or emission limitations, or both. Minor clarifying changes were made from proposed to final-form rulemaking.

Under subsection (j), among other things, the requirements and emission limitations of this section supersede the requirements and emission limitations of §§ 129.201—129.205, 145.111—145.113 and 145.141—145.146 (relating to additional NO<sub>x</sub> requirements; emissions of NO<sub>x</sub> from stationary internal combustion engines; and emissions of NO<sub>x</sub> from cement manufacturing) unless the requirements or emission limitations of §§ 129.201—129.205, §§ 145.111—145.113 or §§ 145.141—145.146 are more stringent. Minor clarifying changes were made from proposed to final-form rulemaking.

Under subsection (k), the owner or operator of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility subject to § 129.96 that includes an air contamination source subject to one or more of subsections (b)—(h) that cannot meet the applicable presumptive RACT requirement or RACT emission limitation without installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with paragraphs (1) and (2).

Minor clarifying changes were made to subsection (k) from proposed to final-form rulemaking. Additionally, subsection (k)(2)(v) was revised from proposed to final-form rulemaking to specify that the written petition must include a proposed final compliance date that is as soon as possible but not later than 3 years after the written approval of the petition by the Department or the appro-

priate approved local air pollution control agency. Further, the approved petition shall be incorporated in an applicable operating permit or plan approval. The proposed rulemaking specified under paragraph (2)(v) that the proposed final compliance date be as soon as possible but not later than the date 3 years after the effective date of adoption of the proposed rulemaking.

Under subsection (l), the Department or appropriate approved local air pollution control agency will review a timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (k) and approve or deny the petition in writing. No changes were made from proposed to final-form rulemaking.

Under subsection (m), approval or denial under subsection (l) of the timely and complete petition for an alternative compliance schedule submitted under subsection (k) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency. No changes were made from proposed to final-form rulemaking.

*§ 129.98. Facility-wide or system-wide NO<sub>x</sub> emissions averaging plan general requirements*

Under subsection (a), the owner or operator of a major NO<sub>x</sub> emitting facility subject to § 129.96 that includes at least one air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97 that cannot meet the applicable NO<sub>x</sub> RACT emission limitation may elect to meet that applicable NO<sub>x</sub> RACT emission limitation in § 129.97 by averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average. System-wide emissions averaging must be among sources under common control of the same owner or operator within the same ozone nonattainment area in this Commonwealth.

Under proposed subsection (a), there was no requirement that system-wide averaging be conducted within the same ozone nonattainment area. The final-form rulemaking requires that system-wide emissions averaging must be among sources under common control of the same owner or operator. The averaging must be conducted within the same ozone nonattainment area in this Commonwealth. The Department interprets this provision to allow emissions averaging in areas designated as unclassifiable/attainment for the ozone NAAQS.

Under subsection (b), the owner or operator of each facility that elects to comply with subsection (a) shall submit a written NO<sub>x</sub> emissions averaging plan to the Department or appropriate approved local air pollution control agency as part of an application for an operating permit modification or a plan approval, if otherwise required. The application incorporating the requirements of this section shall be submitted by the applicable date in paragraph (1) or (2). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (c), each NO<sub>x</sub> air contamination source included in the application for an operating permit modification or a plan approval, if otherwise required, for averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must be an air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (d), the application for the operating permit modification or the plan approval, if otherwise

required, for averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must demonstrate that the aggregate NO<sub>x</sub> emissions emitted by the air contamination sources included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan using a 30-day rolling average are not greater than the NO<sub>x</sub> emissions that would be emitted by the group of included sources if each source complied with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97 on a source-specific basis. The proposed “not greater than 90% of the sum” provision was deleted from this final-form rulemaking.

Under subsection (e), the owner or operator shall calculate the alternative facility-wide or system-wide NO<sub>x</sub> RACT emissions limitation using a 30-day rolling average for the air contamination sources included in the application for the operating permit modification or plan approval, if otherwise required, submitted under subsection (b) by using the equation in this subsection to sum the emissions for all of the sources included in the NO<sub>x</sub> emissions averaging plan.

Under subsection (e), the equation used in the NO<sub>x</sub> emissions averaging plan was modified. Emissions from start-ups, shutdowns and malfunctions shall be included as well as the most stringent numerical emission rate applicable to each air contamination source in the calculations. The more stringent numerical emission rate limit will include a limit established in the CAA, the act, regulations adopted under these acts, a plan approval, operating permit, consent decree, consent order and agreement, Department order or the SIP.

Under subsection (f), the application for the operating permit modification or a plan approval, if otherwise required, specified in subsections (b)—(e) may include facility-wide or system-wide NO<sub>x</sub> emissions averaging using a 30-day rolling average only for NO<sub>x</sub> emitting sources or NO<sub>x</sub> emitting facilities that are owned or operated by the applicant. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (g), the application for the operating permit modification or a plan approval, if otherwise required, specified in subsections (b)—(f) must include the information identified under paragraphs (1)—(3). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (h), an air contamination source or facility included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(g) may be included in only one facility-wide or system-wide NO<sub>x</sub> emissions averaging plan. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (i), the Department or appropriate approved local air pollution control agency will issue a modification to the operating permit or a plan approval authorizing the NO<sub>x</sub> emissions averaging plan. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (j), the owner or operator of an air contamination source or facility included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(h) shall submit the reports and records in subsection (g)(3) to the Department or appropriate approved local air pollution control agency on the schedule specified in subsection (g)(3) to demonstrate compliance with § 129.100. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (k), the owner or operator of an air contamination source or facility included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(h) that achieves emission reductions in accordance with other emission limitations required under the act or the CAA, or regulations adopted under the act or the CAA, that are not NO<sub>x</sub> RACT emission limitations may not substitute those emission reductions for the emission reductions required by the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted to the Department or appropriate approved local air pollution control agency under subsection (b). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (l), the owner or operator of an air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97 that is not included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted under subsection (b) shall operate the source in compliance with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (m), the owner and operator of the air contamination sources included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted under subsection (b) shall be liable for a violation of an applicable NO<sub>x</sub> RACT emission limitation at each source included in the NO<sub>x</sub> emissions averaging plan. Only minor clarifying changes were made between proposed and final-form rulemaking.

*§ 129.99. Alternative RACT proposal and petition for alternative compliance schedule*

Under subsection (a), the owner or operator of an air contamination source subject to § 129.97 located at a facility subject to § 129.96 that cannot meet the applicable presumptive RACT requirement or RACT emission limitation of § 129.97 may propose an alternative RACT requirement or RACT emission limitation in accordance with subsection (d). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (b), the owner or operator of a NO<sub>x</sub> air contamination source with a potential emission rate equal to or greater than 5.0 tons of NO<sub>x</sub> per year that is not subject to § 129.97 or §§ 129.201—129.205 located at a major NO<sub>x</sub> emitting facility subject to § 129.96 shall propose a NO<sub>x</sub> RACT requirement or RACT emission limitation in accordance with subsection (d). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (c), the owner or operator of a VOC air contamination source with a potential emission rate equal to or greater than 2.7 tons of VOC per year that is not subject to § 129.97 located at a major VOC emitting facility subject to § 129.96 shall propose a VOC RACT requirement or RACT emission limitation in accordance with subsection (d). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (d), the owner or operator proposing an alternative RACT requirement or RACT emission limitation under subsection (a), (b) or (c) shall comply with all of the RACT proposal requirements specified under paragraphs (1)—(7).

Under subsection (d), the deadline for completing the implementation of the RACT requirement or limitation was changed between proposed and final-form rulemaking

to not later than January 1, 2017, which is the Federal implementation requirement date for RACT for the 2008 8-hour ozone standard.

Under subsection (e), the Department or appropriate approved local air pollution control agency will review the timely and complete alternative RACT proposal submitted in accordance with subsection (d) as specified in paragraph (1) and approve, deny or modify the alternative RACT proposal as indicated under paragraph (2) or (3). Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (f), the proposed alternative RACT requirement or RACT emission limitation and the implementation schedule submitted under subsection (d) will be approved, denied or modified by the Department or appropriate approved local air pollution control agency in accordance with subsection (e) in writing through the issuance of a plan approval or operating permit modification prior to the owner or operator implementing the alternative RACT requirement or RACT emission limitation. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (g), the emission limit and requirements specified in the plan approval or operating permit issued under subsection (f) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to April 23, 2016, on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f), except to the extent the existing plan approval or operating permit contains more stringent requirements. No changes were made between proposed and final-form rulemaking.

Under subsection (h), the Department will submit each alternative RACT requirement or RACT emission limitation approved under subsection (f) to the EPA for approval as a revision to the SIP. The owner and operator of the facility shall bear the costs of public hearings and notifications required for the SIP submittal. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (i), the owner and operator of a facility proposing to comply with the applicable RACT requirement or RACT emission limitation under subsection (a), (b) or (c) through the installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with paragraphs (1) and (2).

Subsection (i)(2)(v) is revised from proposed to final-form rulemaking to specify that the written petition must include a proposed final compliance date that is as soon as possible but not later than 3 years after the written approval of the petition. If the petition is for the replacement of an existing source, the final compliance date will be determined on a case-by-case basis. The proposed rulemaking specified under subsection (i)(2)(v) that the proposed final compliance date be as soon as possible but not later than the date 3 years after the effective date of adoption of the proposed rulemaking.

Under subsection (j), the Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (i) and approve or deny the petition in writing. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (k), the emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to April 23, 2016, on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j), except to the extent the existing plan approval or operating permit contains more stringent requirements. No changes were made between proposed and final-form rulemaking.

Under subsection (l), approval or denial under subsection (j) of the timely and complete petition for an alternative compliance schedule submitted under subsection (i) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency. No changes were made between proposed and final-form rulemaking.

*§ 129.100. Compliance demonstration and recordkeeping requirements*

Under subsection (a), the owner and operator of an air contamination source subject to a requirement in § 129.97 shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the monitoring or testing procedures under paragraph (1) or (2), except as provided in subsection (c).

Under subsection (a)(1)—(4), the monitoring and testing requirements have been amended from proposed to final-form rulemaking for all affected air contamination sources.

Under subsection (b), except as provided in §§ 129.97(k) and 129.99(i), the owner and operator of an air contamination source subject to subsection (a) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection (a) not later than the applicable time frame under paragraph (1) or (2).

Under subsection (b), the compliance demonstration date was changed between proposed and final-form rulemaking to not later than January 1, 2017, which is the Federal implementation requirement date for RACT.

Under subsection (c), an owner or operator of an air contamination source subject to this section and §§ 129.96—129.98 may request a waiver from the requirement to demonstrate compliance with the applicable emission limitation in § 129.97 if the requirements under paragraphs (1)—(4) are met. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (d), the owner and operator of an air contamination source subject to this section and §§ 129.96—129.99 shall keep records to demonstrate compliance with §§ 129.96—129.99 as set forth in paragraphs (1) and (2). No changes were made between proposed and final-form rulemaking.

Under subsection (e), beginning with the compliance date specified in § 129.97(a), the owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable NO<sub>x</sub> emission rate threshold specified in § 129.99(b) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air



pollution control agency that the air contamination source is not subject to the specified emission rate threshold. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (f), beginning with the compliance date specified in § 129.97(a), the owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable VOC emission rate threshold specified in § 129.99(c) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold. Only minor clarifying changes were made between proposed and final-form rulemaking.

Under subsection (g), the owner or operator of a combustion unit subject to § 129.97(b) shall record each adjustment conducted under the procedures in § 129.97(b). This record must contain, at a minimum, the information in paragraphs (1)–(6). Only minor clarifying changes were made between proposed and final-form rulemaking.

Proposed subsection (h), providing a requirement for the owner or operator of an oil-fired, gas-fired or combination oil-fired and gas-fired unit subject to § 129.97(b)(2) to maintain records of the type of fuel, was deleted in the final-form rulemaking.

Under final-form subsection (h), proposed subsection (i), the owner or operator of a Portland cement kiln subject to § 129.97(h) shall maintain a daily operating log for each Portland cement kiln. The record for each kiln must include the items in paragraphs (1)–(4).

Under final-form subsection (i), records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or the appropriate approved local air pollution control agency.

#### *F. Summary of Major Comments and Responses*

##### *General comments*

A commentator stated that the proposed rulemaking is not RACT. It does not accomplish RACT, but maintains a status quo that does not meet the CAA test of reducing air pollution emissions for NO<sub>x</sub> and VOCs (volatile organic chemicals) “. . . as expeditiously as practicable.” The proposed rulemaking would have allowed higher limit (132,000 tons NO<sub>x</sub>) than what is already emitted. Power plants would have been allowed to increase emissions, while the purpose of RACT is to decrease emissions.

The Board disagrees that the proposed rulemaking was not RACT. The evaluation or re-evaluation of what constitutes RACT-level control for affected sources is a requirement that must be fulfilled each time the EPA promulgates a new NAAQS as was the case in 1979 for the 1-hour ozone standard and in 1997 for the 8-hour ozone standard; re-evaluation of RACT is also required when the EPA revises a NAAQS as was the case in 2008 for the 8-hour ozone standard. The proposed rulemaking addressed the RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and 2008. The final-form rulemaking is applicable to certain owners and operators of major sources of NO<sub>x</sub> or VOC emissions (precursors to ozone formation) in existence on or before July 20, 2012, the effective date of the EPA's designations and classifications for the 2008 ozone NAAQS. See 77 FR 30088.

The Board agrees that the purpose of RACT is to decrease ozone precursor emissions. However, the amount of emission reductions achieved as a result of the application of RACT-level control is determined on the basis of the source's potential to emit before and after the application of RACT-level control, not on a comparison with a source's current actual emissions. The final-form rulemaking establishes presumptive RACT requirements and RACT emission limitations for NO<sub>x</sub> or VOCs that are achievable and sustainable during the expected life of the affected unit using technologies that are technically and economically feasible. Implementation of the final-form rulemaking presumptive RACT requirements and RACT emission limitations will reduce the amount of NO<sub>x</sub> and VOC emissions that the owner and operator of a facility subject to §§ 129.96–129.100 would be legally allowed to emit to the atmosphere.

In response to comments and the EPA's Ozone NAAQS Implementation Rule published at 80 FR 12264 (March 6, 2015), the Department conducted additional reviews of historical emissions data for coal-fired electric generating units (EGU) equipped with SCR technology. The Department determined that the NO<sub>x</sub> limit specified in § 129.97(g)(1)(viii) should be revised. Section 129.97(g)(1)(viii) specifies that any combustion unit equipped with an SCR system that is operating with an inlet temperature equal to or greater than 600°F must meet a NO<sub>x</sub> emission limit of 0.12 lb NO<sub>x</sub>/million Btu. Compliance with this emission limit is also required when by-passing the SCR system. The Department acknowledges that the NO<sub>x</sub> RACT limit in the final-form rulemaking is not the lowest achievable emissions rate for this technology. However, the EPA has indicated in the preamble for the final rule approving a SIP revision for Wisconsin's NO<sub>x</sub> RACT Rule that:

RACT limits are not meant to be the lowest achievable emission rates. The Nitrogen Oxides Supplement to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 addresses the issue of an acceptable emission limit. See section 4.6 RACT for Certain Electric Utility Boilers (57 FR 55626), “The EPA expects States, to the extent practicable, to demonstrate that the variety of emission controls adopted are consistent with the most effective level of combustion modification reasonably available for its individual affected sources.”

See 75 FR 64155, 64157 (October 19, 2010). The Department's re-evaluation of the NO<sub>x</sub> RACT limit for coal-fired EGUs, taking into consideration cost-effectiveness and technological feasibility, is consistent with the approach outlined in the preamble of the rulemaking published at 75 FR 64155 approving Wisconsin's RACT SIP revision.

The final-form RACT rulemaking will reduce the amount of pollution that is currently allowed to be emitted through implementation of more stringent limitations. No facility owner or operator will be allowed to increase their emissions. The final-form RACT rulemaking sets forth emission limitations for NO<sub>x</sub> or VOCs that are achievable using technologies that are reasonably available. For example, upon re-evaluation of the NO<sub>x</sub> emissions data from coal-fired EGUs equipped with SCR, the Board concluded that a NO<sub>x</sub> emission limit of 0.12 lb/MMBtu heat input is achievable with operation of the SCR when an inlet temperature of 600°F is reached. The Board also concluded that a NO<sub>x</sub> emission limit of

0.16 lb/MMBtu heat input is achievable for CFB combustion units. The final-form rulemaking has been amended accordingly.

Potential NO<sub>x</sub> emission reductions beyond current RACT allowable emissions are presented as follows. For 257 boilers, the potential NO<sub>x</sub> emissions reduction is 70,149 tpy or a 28% reduction. For 12 EGUs equipped with SCR systems, the potential NO<sub>x</sub> emissions reduction is 138,972 tpy or a 75% reduction. For 393 engines, the potential NO<sub>x</sub> emissions reduction is 20,596 tpy or a 44% reduction. For 148 turbines, the potential NO<sub>x</sub> emissions reduction is 23,906 tpy or a 40% reduction. In total for 810 air contamination sources, the potential NO<sub>x</sub> emissions reduction is 253,623 tpy or a 47% reduction.

Reductions in actual NO<sub>x</sub> emissions from coal-fired boilers or EGUs are also anticipated as a result of the implementation of the final-form RACT requirements and RACT emission limitations. The actual NO<sub>x</sub> emissions from coal-fired EGUs in this Commonwealth for 2013 were 119,025 tons. The actual 2013 NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or for fuel-switching were 92,728 tons. The expected NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or fuel-switching, based on 2013 production rates and the NO<sub>x</sub> emission limitations in the final-form rulemaking, are 59,039 tpy. This is an anticipated reduction in actual emissions of approximately 36% [(92,728 tons - 59,039 tons) / 92,728 tons] × 100 = 36%] from this sector.

A commentator cautioned the Department not to rigidly apply a benchmark as low as \$2,500 per ton to exclude consideration of technically feasible controls. Rather, the Commonwealth needs to consider a broader range of cost effectiveness to see if some level of additional control falls within that range. Based on Wisconsin's analysis, the Department should consider raising its cost-effectiveness "benchmark" like Wisconsin and New York after considering and evaluating thoroughly the states' analyses.

The Board did not establish a bright-line cost effectiveness threshold to determine RACT. The Board initially used minimum cost-effectiveness thresholds of \$1,500 and \$3,000 per ton of NO<sub>x</sub> and VOC controlled, respectively, in 1990 dollars, for the implementation of RACT requirements for the 1979 1-hour ozone NAAQS in §§ 129.91—129.95. These cost-effectiveness thresholds were consistent with thresholds used at that time by other states for RACT determinations for the 1979 1-hour ozone NAAQS as well. The Board used the United States Bureau of Labor Statistics Consumer Price Index to adjust \$1,500 in 1990 dollars to \$2,500 in 2010 dollars. When extrapolated into 2014 dollars, this figure is approximately \$2,750. The Board used a NO<sub>x</sub> emission cost-effectiveness upper-bound of \$2,800 per ton NO<sub>x</sub> controlled.

Even with an additional 25% margin, the upper-bound cost-effectiveness threshold would not be any greater than \$3,500 per ton NO<sub>x</sub> controlled. Similarly for VOC, the upper-bound cost-effectiveness threshold would not be any greater than \$7,000 per ton VOC controlled. Applying these new thresholds does not have an effect on the add-on control technology decisions for the presumptive RACT requirements established in the final-form rulemaking. The RACT limits included in the final-form rulemaking are comparable to emission limits included in other states' RACT regulations.

It should be noted that Wisconsin's SIP-approved RACT regulations in 2010 were based on a NO<sub>x</sub> cost-effectiveness benchmark of \$2,500 per ton controlled.

Commentators believed that the proposed rulemaking would weaken current emissions limits. Regulatory and policy changes will add ozone and other criteria pollutants to some of the most overburdened communities in this Commonwealth.

The Board disagrees because the final-form rulemaking does not weaken existing emissions limits. The final-form RACT rulemaking includes emission limitations for NO<sub>x</sub> or VOCs that are achievable using technologies that are reasonably available.

Following the adoption and implementation of the final-form rulemaking, NO<sub>x</sub> emissions from the electric generating sector in this Commonwealth are expected to be reduced from 119,025 tpy, based on 2013 production rates, to 59,039 tpy. The actual NO<sub>x</sub> emissions from coal-fired EGUs in this Commonwealth for 2013 were 119,025 tons. The actual 2013 NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or for fuel-switching were 92,728 tons. The expected NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or fuel-switching, based on 2013 production rates and the NO<sub>x</sub> emission limitations in the final-form rulemaking, are 59,039 tpy.

In addition, the final-form rulemaking specifically provides under § 129.97(i) and (j) that the more stringent limitation or requirement applies to the owner or operator of a facility subject to the regulation.

A commentator represented that for the class of the largest NO<sub>x</sub>-emitting sources, the representations of "Anticipated Effect on Emissions" are overstatements in contrast with the much more common sense approach of comparing the proposed emission limitation with current actual emissions. The latter comparison demonstrates that the proposed RACT requirements are no substantial improvement with respect to controlling NO<sub>x</sub> emissions from large coal-fired power plants.

The Board disagrees that the representation of "anticipated effect on emissions" should be based on a comparison of the emissions expected as a result of implementation of the presumptive RACT requirements and RACT emission limitations with current actual emissions. The amount of NO<sub>x</sub> and VOC emission reductions achieved as a result of the application of RACT-level control is determined on the basis of the source's potential to emit before and after the application of RACT-level control. Implementation of the final-form rulemaking presumptive RACT requirements and RACT emission limitations will reduce the amount of ozone precursor emissions that the owner and operator of a facility subject to §§ 129.96—129.100 would be legally allowed to emit to the atmosphere. Further, the final-form rulemaking revises the NO<sub>x</sub> emission limit for CFB combustion units in § 129.97(g)(1)(vi)(A) from 0.20 lb NO<sub>x</sub>/million Btu heat input to 0.16 lb NO<sub>x</sub>/million Btu heat input. The final-form rulemaking also addresses the use of installed SCR or SNCR equipment in § 129.97(g)(1)(viii) and (ix).

The potential NO<sub>x</sub> emission reductions in tpy beyond current RACT allowable emissions is approximately 253,623 tons from 810 units as follows: for 257 boilers—approximately 70,149 tons; for EGUs equipped with SCR systems—approximately 138,972 tons; for engines—approximately 20,596 tons; and for turbines—approximately 23,906 tons.

The actual NO<sub>x</sub> emissions from coal-fired EGUs in this Commonwealth for 2013 were 119,025 tons. The actual 2013 NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or for fuel-switching were 92,728

tons. The expected NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or fuel-switching, based on 2013 production rates and the NO<sub>x</sub> emission limitations in the final-form rulemaking, are 59,039 tpy. This is an anticipated reduction in actual emissions of approximately 36% from this sector.

Some commentators allege that additional support and analysis is needed in the Regulatory Analysis Form (RAF) and preamble to justify the proposed regulations.

The Board disagrees that there is insufficient information in either the preamble to the proposed rulemaking or the RAF to justify the regulations. Both of these documents are replete with substantive information regarding emissions data, cost-effectiveness numbers, public health information, statutory requirements, small business information and other types of analyses to demonstrate that the regulations are legally required, in the public interest, economically and technologically feasible, and will reduce emissions. The estimates included in the RAF to the proposed rulemaking and the final-form rulemaking are based on the information available to the Department. The presumptive RACT emission limitations were established based on cost-effectiveness of available control technology and are not based on the total number of affected units or number of total units requiring control.

Some commentators believed that the proposed rulemaking significantly underestimated the number of affected units that would require installation of NO<sub>x</sub> or VOC control technology. Approximately 150 units operated by natural gas transmission companies would be affected by the proposed rulemaking; this exceeds the Department's estimate for all affected units Statewide. The proposed rulemaking would have significant impact on natural gas transmission company operations, including many requirements to install control technology and associated costs that are significantly under-estimated by the Commonwealth.

The Board finds that the estimates for numbers of affected units included in the RAF to the proposed rulemaking and the final-form rulemaking are based on the information available to the Department. The presumptive RACT emission limitations were established based on cost-effectiveness of available control technology and not based on the total number of affected units or number of total units requiring control.

The Board re-evaluated the number of units requiring control as a result of revisions to emission limitations in the final-form rulemaking. The number of turbines requiring control has dropped from 64 to 17 primarily due to the final-form rulemaking setting forth a presumptive RACT emission limitation of 150 ppmvd NO<sub>x</sub> @ 15% oxygen for simple cycle or regenerative cycle turbines equal to or greater than 1,000 bhp and less than 6,000 bhp.

Several commentators said that compliance with the Federal Clean Air Interstate Rule (CAIR) or Cross-State Air Pollution Rule (CSAPR) should constitute compliance with RACT. The Department should rely on CAIR/CSAPR to satisfy RACT for EGUs.

The Board disagrees that compliance with CAIR/CSAPR should constitute compliance with RACT and that the Department should rely on CAIR/CSAPR to satisfy RACT for EGUs. Moreover, the United States Court of Appeals for the D.C. Circuit granted the EPA's request for voluntary vacatur of the presumption that compliance with the CAIR or the NO<sub>x</sub> SIP Call automatically constitutes RACT or reasonably available control measures for

NO<sub>x</sub> emissions from EGUs participating in regional cap-and-trade programs. *NRDC v. EPA*, No. 09-1198 (D.C. Cir.) (order of August 30, 2013). In the EPA's comments on the proposed rulemaking, designated ozone nonattainment areas required to implement RACT must achieve RACT level reductions inside the nonattainment area. In response to the EPA's comment, final-form § 129.98(a) has been amended to address the system-wide averaging provisions as follows: "System-wide emissions averaging must be among sources under common control of the same owner or operator within the same ozone nonattainment area in this Commonwealth." This approach should assure that emissions averaging will occur among units in the same ozone nonattainment area and that emission reductions from outside a given area of more severe nonattainment cannot be used to offset emissions within the area of more severe nonattainment.

Some commentators believed that the proposed RACT standard would allow coal plants to keep the air in some communities cleaner than others, a fact highly likely to continue racial disparity in air pollution. The health of citizens in this Commonwealth who have limited incomes or are living in poverty is also especially vulnerable to smog pollution. The Department runs the risk of exposing certain citizens, including those living in environmental justice communities, to a disproportionate amount of extra pollution.

The Board disagrees. The final-form rulemaking reduces the allowable emission rates for certain coal-fired facilities and requires the operation of existing control equipment for other facilities. Pollution from this sector continues to decline. For example, the actual NO<sub>x</sub> emissions from coal-fired EGUs in this Commonwealth for 2000 were 192,004 tons; the actual NO<sub>x</sub> emissions from coal-fired EGUs in this Commonwealth for 2013 were 119,025 tons. The actual 2013 NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or fuel-switching were 92,728 tons. The expected future NO<sub>x</sub> emissions from coal-fired EGUs that are not scheduled for retirement or fuel-switching, based on 2013 production rates and the NO<sub>x</sub> emission limitations in the final-form rulemaking, are 59,039 tpy.

#### § 121.1. Definitions

Several commentators believed that all definitions should match Federal definitions. The proposed new definition for "stationary internal combustion engine" opens up application to the entirety of air quality regulations. It appears the Pennsylvania definition has always included portable (not mobile) internal combustion engines. The definition should be same as the EPA's reciprocating internal combustion engines rule in 40 CFR Part 63, Subpart ZZZZ (relating to National emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines). Some commentators suggested that definitions consistent with the Federal definitions "capacity factor" in 40 CFR 72, 'combustion turbine' in 40 CFR 60 NSPS, and 'stationary internal combustion engine' in NSPS IIII and JJJJ and NESHAPS ZZZZ" should be added.

The Board agrees. The final-form rulemaking contains definitions consistent with the Federal regulations. The final-form rulemaking revises the definition of "stationary internal combustion engine" to include the term "stationary reciprocating internal combustion engine." The final-form rulemaking adds definitions for "regenerative cycle combustion turbine," "simple cycle combustion turbine" and "stationary combustion turbine." Final-form § 129.97(c)(7)(i) establishes that the "annual capacity



factor” for a combustion unit is the ratio of the unit’s heat input (in million Btu or equivalent units of measure) to the unit’s maximum rated heat input (in million Btu or equivalent units of measure) times 8,760 hours during a period of 12 consecutive calendar months. The “annual capacity factor” for an EGU is established in final-form § 129.97(c)(7)(ii) as the ratio of the unit’s actual electric output (expressed in MWe/hr) to the unit’s nameplate capacity (or maximum observed hourly gross load (in MWe/hr) if greater than the nameplate capacity) times 8,760 hours during a period of 12 consecutive calendar months. Final-form § 129.97(c)(7)(iii) establishes that for any other unit, the “annual capacity factor” is the ratio of the unit’s actual operating level to the unit’s potential operating level during a period of 12 consecutive calendar months.

A commentator stated that “air contamination source” is broadly defined and becomes problematic when used in § 129.99(b) and (c). The commentator asked if the term applies to each individual piece of equipment or to a grouping of equipment.

The Board disagrees. The applicability threshold values of § 129.99(b) and (c) were determined as generic emission levels below which the application of add-on emission control technology is not economically feasible. “Air contamination source” is already defined in the act and § 121.1 and needs no further clarification.

#### § 129.96. *Applicability*

A commentator believed that the preamble should have clearly indicated that the proposed rulemaking only applied to major sources of NO<sub>x</sub> and VOCs.

The Board agrees that the NO<sub>x</sub> RACT requirements are applicable to major NO<sub>x</sub> emitting facilities and the VOC RACT requirements are applicable to major VOC emitting facilities. The NO<sub>x</sub> requirements of §§ 129.96–129.100 apply Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility and the VOC requirements of §§ 129.96–129.100 apply Statewide to the owner and operator of a major VOC emitting facility. Section 129.96 was amended to clarify the applicability.

A commentator stated that while a number of existing regulations are referenced in the applicability section, there is no clarifying statement of prior presumptive RACT requirements that were promulgated under §§ 129.91–129.95. In the proposed rulemaking, these regulations are not superseded until the end of § 129.97. It may be clearer to address all the applicability pieces under § 129.96 instead of splitting it up.

The Board disagrees. Sections 129.91–129.95 are not superseded by the final-form rulemaking. The affected owners and operators of major VOC and NO<sub>x</sub> emitting facilities are subject to §§ 129.91–129.95 and §§ 129.96–129.100. Section 129.97(i) is intended to ensure that an owner or operator complies with the more stringent of the RACT requirements in a RACT permit issued under §§ 129.91–129.95 and the presumptive RACT requirements in the final-form rulemaking. Section 129.97(i) and (j) specifically provides that the more stringent provisions apply whether those provisions are under the final-form rulemaking, some other regulation or a previously issued permit. These safeguards prevent backsliding from the most stringent applicable requirements.

A commentator’s understanding of EPA policy is that those sources that have already installed air pollution control equipment as a result of previous RACT are not required to install additional controls absent new infor-

mation indicating otherwise. See, for example, 70 FR 71612, 71655 and *NRDC v. EPA*, 571 F.3d 1245, 1253–55. The Department should amend proposed § 129.96 to exclude NO<sub>x</sub> and VOC sources that have already undergone RACT review and have resulting NO<sub>x</sub> or VOC, or both, limits or restrictions, unless new information indicates that a new RACT analysis is justified.

The Board believes that the commentator is referring to *NRDC v. EPA*, 571 F.3d 1245 (D.C. Cir. 2009), decided by the D.C. Circuit Court in 2009, not 2008 as stated by the commentator. The Board disagrees with the commentator’s assertion. The evaluation or re-evaluation of what constitutes RACT-level control for affected sources is a requirement that must be fulfilled each time the EPA promulgates a new NAAQS as was the case in 1979 for the 1-hour ozone standard and in 1997 for the 8-hour ozone standard or revises a NAAQS as was the case in 2008 for the 8-hour ozone standard. The final-form rulemaking addresses the RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and revised in 2008. The final-form rulemaking requirements are applicable to the owners and operators of subject sources in existence on or before July 20, 2012, and to owners and operators of subject sources when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility.

The EPA’s Phase 2 Rule certification provision allows states to certify that the control measures approved as RACT under the 1-hour ozone standard also satisfy the RACT requirements under the 8-hour ozone standard absent information indicating they should not be approved. This approach adequately ensures that RACT determinations will take into account advances in technology.

The Department reviewed all available information, including Federal regulations and RACT regulations from various states. This review showed that a new RACT analysis is justified. The Board believes that the presumptive RACT requirements included in the final-form rulemaking are appropriate. Should an affected owner or operator not be able to comply with the presumptive requirement or emission limitation, the owner or operator may propose an alternative RACT requirement or RACT emission limitation under § 129.99(a) based on the source’s potential to emit NO<sub>x</sub> or VOCs.

Several commentators believed that since they are subject to more stringent requirements under other programs (such as Maximum Achievable Control Technology (MACT), National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS)) they should be exempt from RACT requirements. The Department should exempt emergency generators and other sources with applicable Federally-mandated NO<sub>x</sub> and VOC control requirements from RACT requirements. Additional exemptions are needed to accommodate facilities that are already subject to more stringent requirements or have already completed a RACT process.

The Board disagrees. An evaluation or re-evaluation of what constitutes RACT for affected sources is required under section 182 of the CAA for existing major NO<sub>x</sub> emitting or existing major VOC emitting facilities each time a NAAQS is promulgated or revised. The final-form rulemaking addresses the RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and revised in 2008. RACT applies to the owners and operators of



existing major stationary sources of NO<sub>x</sub> and VOC in ozone nonattainment areas. RACT for covered categories is required Statewide and not just in designated ozone nonattainment areas in this Commonwealth because the Commonwealth is in the Northeast Ozone Transport Region established under section 184 of the CAA.

Section 182(b)(2) of the CAA requires that the Commonwealth implement RACT for each category of existing VOC sources in the area covered by a CTG document issued by the Administrator between November 15, 1990, and the date of attainment, as well as for all existing VOC sources in the area covered by any CTG issued before November 15, 1990, and all other major stationary sources of VOCs that are located in the area. Under sections 182(f)(1) and 184(b)(2) of the CAA, RACT requirements are applicable to all existing major sources of NO<sub>x</sub> in this Commonwealth.

The MACT and NESHAP requirements apply to the control of emissions of hazardous air pollutants (HAP) from existing or new major sources as required under section 112 of the CAA (42 U.S.C.A. § 7412). Many HAPs are also VOCs, but not all VOCs are HAPs. NO<sub>x</sub> are also not HAP. Therefore the owner and operator of an existing major source subject to MACT/NESHAP requirements for the control of HAP emissions may also be subject to RACT requirements for the control of NO<sub>x</sub> and VOC emissions. Therefore, the Board believes that no additional exemptions are warranted to accommodate the owners and operators of facilities that are already subject to more stringent requirements or have already completed a RACT process.

§ 129.97. *Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule*

Some commentators felt the proposed regulations were less stringent than those that similarly-situated Mid-Atlantic states, including New Jersey, are proposing. The commentators requested that the Board explain how the final-form rulemaking will ensure that the Commonwealth is adequately addressing emissions under its jurisdiction so that the Commonwealth is properly meeting its pollution control responsibilities to other states.

The Board disagrees. The Department reviewed and considered RACT regulations from similarly situated Mid-Atlantic states, including New Jersey, during the development of the proposed and final-form rulemakings. Source categories in this Commonwealth are diverse with numerous sources having varying characteristics differing from those of the other Mid-Atlantic states. The Department evaluated these source categories and determined that the presumptive RACT requirements included in the final-form rulemaking are appropriate. In this Commonwealth, all monitored areas are attaining the 1997 and 2008 ozone standards, except the Harrison monitor in Allegheny County. RACT regulations are not intended to address interstate transport issues.

Commentators said proposed § 129.97(c) appeared to establish an absolute obligation for relevant sources to be maintained and operated in accordance with both manufacturer's specifications and good engineering practices. However, in many cases, existing sources are components of complex process systems, integrated operations, or are specialized and custom designed, such that the equipment-specific manufacturer's specifications do not exist or are no longer relevant or applicable, and indeed can be inconsistent with "good engineering practice." Even more simply, with respect to older sources, manufacturer's

specifications may no longer even be available. Therefore, the regulation should be amended to require operation and maintenance of regulated sources in accordance with good engineering practice, which, in appropriate circumstances, would include operation in accordance with manufacturer's specifications.

The Board notes that the presumptive RACT requirements included in § 129.93 (relating to presumptive RACT emission limitations) require the installation, maintenance and operation of the source in accordance with manufacturer's specifications. This requirement has been implemented since 1995. In addition, an affected owner or operator that is not able to comply with the applicable presumptive RACT requirements and emission limitations in the final-form rulemaking may opt to determine RACT requirements on a case-by-case basis under § 129.99.

In the final-form rulemaking, "good engineering practices" has been replaced with "good operating practices." "Engineering" refers to design, whereas "operating" refers to operation. Since this final-form rulemaking is applicable to the owners and operators of existing operating sources, it is more appropriate to regulate operating practices. In addition, this language is consistent with the permit compliance requirements in § 127.444 (relating to compliance requirements.)

Some commentators stated that in proposed § 129.97(g)(3) there appears to be some disparity between the combustion turbine and the reciprocating engine proposed requirements. The proposed combustion turbine level of 42 ppm on natural gas is approximately four times lower than the RACT level for a lean burn reciprocating engine and approximately two times lower than a rich burn engine. Uncontrolled combustion turbines are close to the proposed RACT levels for reciprocating engines. With reciprocating engines far outnumbering gas turbines in this Commonwealth, the commentator asked if it makes sense, from an environmental or cost impact basis, or both, to have a RACT for combustion turbines, especially small combustion turbines. The RACT compliance cost analyses conducted by the Department is not detailed enough to determine if the RACT emissions level proposed for combustion turbines is cost effective.

The Board disagrees with the comparison of emission rates for engines to turbines. They are different combustion technologies and are considered to be different source types for the purposes of RACT determinations. Therefore, the Board disagrees that presumptive RACT requirements and emission limitations should not be established for turbines. The number of turbines subject to RACT requirements in this Commonwealth justifies the establishment of presumptive RACT emission limitations for turbines to minimize case-by-case RACT determinations.

Presumptive RACT emission limitations are implemented for each source category based on RACT determinations and associated emissions data. In addition, the owner or operator of any affected source that cannot meet a presumptive RACT emission limitation may propose an alternative limit determined on a case-by-case basis.

One commentator was concerned with the Board's statement in RAF Question 12 that the proposed regulations are "similar to regulations already adopted by Wisconsin and New York and approved by the EPA." However, the commentator believed that New York has in place significantly more stringent emissions limits than the Commonwealth. The commentator stated that the Board should either support or amend its response to RAF Question 12.

The Board believes that its response is adequate. The Department reviewed and considered RACT regulations from various states when evaluating what constitutes RACT for the types of sources affected by the final-form rulemaking. Source categories in this Commonwealth are diverse with numerous individual sources having varying characteristics. The Department evaluated these source categories and determined that the presumptive RACT requirements included in the final-form rulemaking are appropriate.

Due to variability in source type, combustion characteristics, unit size, fuel usage, operating conditions and source age, there are differences between the final-form rulemaking and the New York RACT regulations in terms of emission limits, exceptions, size cutoffs, and the like. For example, New York determined that combined-cycle combustion turbines operated after July 1, 2014, should undergo case-by-case analysis due to limited numbers. As New York noted in their Regulatory Impact Statement, "Because of the limited number of sources and the wide range of available control technologies, the [NY] Department was not able to identify a presumptive NO<sub>x</sub> RACT emission limit for combined cycle combustion turbines." However, due to the large number of these sources operating in this Commonwealth, the Department was able to determine a presumptive NO<sub>x</sub> RACT emission limitation for different categories of combined-cycle combustion turbines, including large combustion turbines that will likely be required to use SCR control to meet the applicable NO<sub>x</sub> RACT emission limitation. The basis for the determination of the presumptive RACT requirements and emission limitations included in the final-form rulemaking is included in the RAF and the comment and response document.

The determinations of what add-on control technologies are reasonably available to meet the presumptive RACT requirements and emission limitations included in the final-form rulemaking are consistent with the determinations of what add-on control technologies are reasonably available to meet the presumptive RACT requirements in New York. The RACT emission limits included in the final-form rulemaking are comparable to emission limits included in other states' RACT regulations, including New York and Wisconsin.

#### *Subsections (b) and (g)(1)—Combustion units*

A commentator believed that the proposed rulemaking requires minimization of NO<sub>x</sub> and carbon monoxide (CO) emissions which is inconsistent with the boiler MACT rule. The commentator recommended that this provision be amended to mirror the boiler MACT requirements. The commentator also stated that a periodic tune-up conducted in accordance with the boiler MACT satisfies § 129.99 in the year in which it is conducted.

The Board revised the final-form rulemaking to require biennial tune-ups for a combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour conducted in accordance with 40 CFR 63.11223. CO emissions are required to be included in the record under 40 CFR 63.11223. In addition, CO emissions are recorded as a surrogate for VOC emissions.

The commentator found that reference to "flame pattern" is not applicable to all combustion sources. The commentator has seen instances when combustion unit language has been included in a combustion turbine permit rendering an irrelevant and impossible-to-comply-with permit condition.

The Board agrees that the requirements for combustion units referencing "flame pattern" are not applicable to all combustion sources, including turbines. The presumptive RACT requirement for a combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour is a biennial tune-up conducted in accordance with the procedures in 40 CFR 63.11223, which includes inspection and adjustment of the flame pattern. A combustion unit is a stationary equipment used to burn fuel primarily for the purpose of producing power or heat by indirect heat transfer. While turbines are combustion sources, they produce power by direct heat transfer and are not combustion units by definition. Therefore, the tune-up requirement is not applicable to combustion turbines. In addition, this tune-up requirement should not appear as an applicable permit requirement for combustion turbines.

Commentators recommended that the presumptive RACT requirements for coal-fired boilers should be established based on actual emission levels achieved in practice while operating with post-combustion controls, such as SCR or SNCR systems. The RACT regulations should require the use of SCR or other control devices continuously to minimize NO<sub>x</sub> pollution.

The Board disagrees that the presumptive RACT requirements for coal-fired boilers should be established based solely on the lowest actual emission levels achieved in practice by some of the affected units while operating with post-combustion controls. The proposed and final-form RACT rulemakings establish presumptive emission limitations for NO<sub>x</sub> or VOCs that are achievable and sustainable during the expected life of the affected unit using technologies that are both technically and economically feasible. Implementation of the final-form rulemaking presumptive RACT requirements and RACT emission limitations will reduce the amount of ozone precursor emissions that the owner and operator of a facility subject to §§ 129.96—129.100 would be legally allowed to emit to the atmosphere.

Design limitations of the existing SCR and SNCR control technology installed on the affected coal-fired boilers dictate the operating parameters that are reasonably achievable. However, based on consideration of comments received during the public comment period and on the evaluation of NO<sub>x</sub> emissions data for coal-fired boilers for a 5-year period, the final-form rulemaking addresses the use of installed SCR or SNCR equipment in § 129.97(g)(1)(viii) and (ix). Further, the NO<sub>x</sub> emission limit for CFB combustion units in § 129.97(g)(1)(vi)(A) is revised from the proposed 0.20 lb NO<sub>x</sub>/million Btu heat input to 0.16 lb NO<sub>x</sub>/million Btu heat input in the final-form rulemaking.

Upon re-evaluation of the NO<sub>x</sub> emissions data from the coal-fired EGUs equipped with SCR, the Board concluded that a NO<sub>x</sub> emission limit of 0.12 lb/MMBtu was achievable with operation of SCR when an inlet temperature of 600°F is reached. This limit accounts for the design limitations of the existing SCR systems. In addition, compliance with this emission limit is also required when by-passing the SCR system.

Upon re-evaluation of the NO<sub>x</sub> emission data from CFB boilers, the Board concluded that a NO<sub>x</sub> emission limit of 0.16 lb/MMBtu was achievable. The 0.16 lb/MMBtu NO<sub>x</sub> emission level must be achieved at all times and, if equipped with SNCR, the SNCR must be in operation with the injection of reagents including ammonia or other NO<sub>x</sub>-reducing agents, when the temperature at the area of the reagent injection is 1,600°F or greater.

The Board further believes that continuous operation of existing SCR and SNCR control technology installed on the combustion units subject to final-form § 129.97(g)(1)(vi)(A), (viii) and (ix) cannot be required due to changing market conditions and deployment of electric generating capacity. Therefore, due to the design limitations of the SCR and SNCR control technology and the minimum operating temperatures required for efficient operation and optimized NO<sub>x</sub> emission reduction, operation of the existing SCR and SNCR controls below the minimum designed temperature cannot be required in the final-form rulemaking.

A commentator wanted the Board to provide the technical analysis that supports the 0.08 lb NO<sub>x</sub>/MMBtu heat input, as that is different from the EPA's NSPS which recognizes 0.10 lb NO<sub>x</sub>/MMBtu.

The Board agrees and that analysis is as follows. The Department determined that the average uncontrolled NO<sub>x</sub> emission rate for natural gas-fired combustion units was 0.2 lb/MMBtu. At an average NO<sub>x</sub> control efficiency of 50% for low-NO<sub>x</sub> burners, the feasible control for natural gas-fired combustion units, the presumptive NO<sub>x</sub> RACT emission limitation for natural gas-fired combustion units rated at or above 50 MMBtu/hr is 0.1 lb/MMBtu. The Department initially lowered this to 0.08 lb NO<sub>x</sub>/MMBtu to be consistent with Wisconsin's SIP-approved RACT requirements.

Upon further analysis, the Department could not find sufficient information to support the Commonwealth establishing a presumptive NO<sub>x</sub> RACT emission limitation of 0.08 lb/MMBtu just to be consistent with Wisconsin's RACT requirements. Therefore, in the final-form rulemaking, the presumptive NO<sub>x</sub> RACT emission limitation was revised from 0.08 lb NO<sub>x</sub>/MMBtu to 0.10 lb NO<sub>x</sub>/MMBtu for a natural gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 MMBtu/hour. This requirement is now consistent with the requirement in the NSPS in 40 CFR Part 60, Subpart Db (relating to standards of performance for industrial-commercial-institutional steam generating units) and § 129.201 (relating to boilers).

A commentator believed that due to the larger combustion zone available on natural gas-fired combustion units rated greater than 50 million Btu/hour, the presumptive RACT emission rate of 0.08 lb NO<sub>x</sub>/MMBtu for these units is not achievable for a unit that was designed to burn coal or fuel oil and has been converted to firing natural gas. For example, the units at the Martins Creek facility were converted from an oil-fired design to allow combustion of natural gas. Stack testing of these units revealed that NO<sub>x</sub> emission rates cannot approach the standard that may be achievable for units originally designed to combust primarily or exclusively natural gas. Therefore, the commentator believed that case-by-case RACT determinations are appropriate for these sources.

The Board finds that in the final-form rulemaking the presumptive NO<sub>x</sub> RACT emission limitation was revised from 0.08 lb NO<sub>x</sub>/MMBtu to 0.10 lb NO<sub>x</sub>/MMBtu for a natural gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour. This requirement is now consistent with the requirement in the NSPS in 40 CFR Part 60, Subpart Db and § 129.201. Should the owner or operator of a combustion unit choose not to comply with the presumptive requirement, the owner or operator may propose an alternative NO<sub>x</sub> RACT emission limitation based on the potential to emit NO<sub>x</sub> under § 129.99(a).

A commentator stated that even for those few boilers that lack controls superior to the contemplated RACT of low NO<sub>x</sub> burners, installation and operation of SNCR would achieve reductions of NO<sub>x</sub> at significantly less than \$2,500 per ton.

The Board disagrees. The Department reviewed all available information, including Federal regulations and RACT regulations from various states. The cost-effectiveness of technically feasible add-on control devices, including SNCR, was calculated in accordance with the EPA Office of Air Quality Planning and Standards Cost Manual. The Board believes that the presumptive RACT requirements included in the final-form rulemaking are appropriate.

#### *Subsection (g)(2)—Combustion turbines*

A commentator found that the Commonwealth's analysis does not indicate whether a meaningful environmental benefit would be derived from VOC reductions. The Commonwealth should provide background documentation to support the basis for the concentration-based turbine standard.

The Board notes that RACT re-evaluation is a requirement to be fulfilled each time a NAAQS is promulgated. The final-form rulemaking addresses the RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and 2008. However, no specific emission reductions are required under the re-evaluation.

The Department found that the typical uncontrolled VOC emission limit for RACT I was 25 ppm @ 15% oxygen, as methane for turbines rated greater than 1,000 bhp and less than 180 MW. This translates into 9 ppm @ 15% oxygen, as propane. The cost of VOC control using an oxidation catalyst was found to be \$21,112—\$421,095, which is not cost-effective. Therefore, the final-form rulemaking establishes a presumptive RACT VOC emission limitation of 9 ppm @ 15% oxygen, as propane for simple cycle turbines and combined cycle turbines fired on fuel oil rated at greater than 1,000 bhp and less than 180 MW.

Continuous emission monitoring system (CEMS) data indicates that a combined cycle turbine fired on natural gas rated at greater than 1,000 bhp and less than 180 MW can meet a VOC emission limitation of 5 ppm @ 15% oxygen, as propane. Additionally, CEMS data indicates that turbines rated at greater than 180 MW can meet a VOC emission of 2 ppm @ 15% oxygen, as propane. Therefore, these emission limitations are established in the final-form rulemaking.

The technical support document is available with the final-form rulemaking, which includes documentation to support the basis for the VOC RACT emission limitations. VOC reductions of the type contemplated under this final-form rulemaking will assist in the maintenance of the 8-hour 1997 and 2006 ozone standards. The EPA regulates ground-level ozone as a criteria air pollutant because of its widespread adverse health and environmental effects. Exposure to high concentrations of ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure.

#### *Subsection (g)(3)—Internal combustion engines*

Some commentators believed § 129.97(g)(3) was unclear. This paragraph should clearly state that emergency engines greater than 500 bhp are excluded from the



emission limits for stationary internal combustion engines greater than 500 bhp. Proposed subsections (c)(6) and (g)(3) were not compatible. One exempts emergency stand-by engines operating less than 500 hours in a 12-month rolling period, while the other generally includes stationary internal combustion engines. The commentators suggested adding “[e]xcept as provided in § 129.97(c)(6)” to the beginning of subsection (g)(3).

The Board agrees that the proposed paragraph was unclear. The final-form rulemaking has been amended to clarify that the owner or operator of a source that meets the requirements under § 129.97(c) would not be required to also meet the numerical presumptive RACT emission limitations under § 129.97(g) for that source.

*Subsection (h)—Portland cement kilns*

One commentator contended that the emissions limitations required of Portland cement kilns would likely require the significant expenditure of funds for the installation of NO<sub>x</sub> air pollution control technologies such as SNCR systems.

The Board disagrees. The presumptive RACT emission limitations included in the final-form rulemaking for Portland cement kilns are consistent with the emission limitations for Portland cement kilns in § 145.143 (relating to standard requirements). The Department believes that the final-form rulemaking contains appropriate presumptive RACT emission limitations for Portland cement kilns. In addition, several existing Portland cement kilns are equipped with SNCR. Should the owner or operator of a Portland cement kiln choose not to comply with the presumptive requirement, the owner or operator may propose an alternative NO<sub>x</sub> RACT emission limitation based on the potential to emit NO<sub>x</sub> under § 129.99(a).

Several commentators said that a compliance alternative needs to be included for cement kilns in this program, be it CAIR allowances or some other program NO<sub>x</sub> allowances. To ensure that this program does not result in an increase of emissions over what was contemplated in the proposed rulemaking, an allowance program should require a two-for-one allowance surrender. This provision would provide necessary flexibility to the cement industry and would also provide even greater emission offsets in the event a facility found itself out of compliance with the proposed regulation.

The Board disagrees. RACT re-evaluation is a requirement to be fulfilled each time a NAAQS is promulgated. The final-form rulemaking addresses the RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and 2008. RACT applies to existing major stationary sources of VOCs and NO<sub>x</sub> in ozone nonattainment areas. RACT is defined as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” Therefore, CAIR allowances or some other program NO<sub>x</sub> allowances cannot be used to meet the RACT requirements.

Furthermore, the EPA commented on the proposed rulemaking that designated ozone nonattainment areas required to implement RACT must achieve RACT levels reductions inside the nonattainment area. In response to the EPA’s comment, final-form § 129.98(a) has been amended to address the system-wide averaging provisions as follows: “System-wide emissions averaging must be among sources under common control of the same owner or operator within the same ozone nonattainment area in this Commonwealth.” This approach should assure that emissions averaging will occur among units in the same ozone nonattainment area.

Some commentators found that the proposed rulemaking would impose year-round emission standards that are currently ozone season standards on cement kilns. This imposes additional costs without any public benefits.

The Board disagrees that the final-form rulemaking imposes additional costs without any public benefits. RACT re-evaluation is a requirement to be fulfilled each time a NAAQS is promulgated. The final-form rulemaking addresses the RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and 2008. RACT applies to existing major stationary sources of VOCs and NO<sub>x</sub> in ozone nonattainment areas. RACT is defined as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” Including §§ 145.141—145.146 in § 129.96 is not appropriate because the requirements included in § 145.143 are applicable only during the ozone season (May 1 through September 30), whereas RACT requirements are applicable on a year-round basis. The emissions reductions resulting from year-round requirements will be beneficial to the public due to lower concentrations of ground-level ozone.

*Subsection (f)—Municipal waste combustors*

Commentators noted that the proposed NO<sub>x</sub> emissions limits for municipal waste combustors require only that municipal waste combustor operators meet emissions limits established in Federal emissions guidelines. While the HAP emissions limits in the Federal guidelines are MACT-based, and thus may be RACT for VOCs, the NO<sub>x</sub> limits are not MACT-based and are not RACT. Therefore, more stringent limitations should be established as RACT.

The Board finds that the current proposed standards are in compliance with the emission guidelines in 40 CFR Part 60, Subpart Cb (relating to emission guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994). These emission guidelines range from 180 to 250 ppmvd NO<sub>x</sub> @ 7% oxygen. Out of six existing facilities, five are already limited to 180 ppm or less. The Covanta Plymouth (Montgomery County) facility has CEMS data (3rd quarter 2007) showing emissions above 180 ppm. Emissions were generally between 190 and 200 ppm, with a few data points near 180 ppm (one below 180 ppm). The units located at the Covanta Plymouth facility are equipped with SNCR. The existing SNCR could be optimized to achieve an emission limit of 180 ppm. Upon re-evaluation of the NO<sub>x</sub> emission data from municipal waste combustors, the Board concluded that a NO<sub>x</sub> emission limit of 180 ppmvd @ 7% oxygen was achievable. In final-form § 129.97(f), the NO<sub>x</sub> limit is revised to 180 ppmvd @ 7% oxygen for municipal waste combustors.

*§ 129.98. Facility-wide or system-wide NO<sub>x</sub> emissions averaging plan general requirements*

One commentator believed that the proposed alternative compliance mechanisms must include a rate sufficient to lower system-wide emissions. The 30-day system-wide rolling average rate is set so high that it fails to require reductions at all sources. The rulemaking may have the effect of allowing operators to discontinue the operation of NO<sub>x</sub> control equipment simply by running controls on a different unit. Therefore, the emission rate needed to achieve compliance with system-wide average is not consistent with an appropriate level of post-combustion controls. The averaging mechanism itself must reflect some level of control. At a minimum, the

system-wide rate needs to incorporate a sufficient use of control technologies already installed on the units. An amendment to the NO<sub>x</sub> rate ought to take into account unit configuration and control technologies that have already been installed.

The Board disagrees. The final-form rulemaking will not allow the operator to discontinue the operation of NO<sub>x</sub> control equipment, such as SCR or SNCR, by operating controls on a different unit. A 30-day rolling limit addresses problems that are faced by certain owners and operators, including variability in fuel (such as in waste coal combustors), emission spikes during start-up and shutdown of the emission source, and emissions during malfunctions. The 30-day rolling average will require that the owners and operators operate below the allowable standard to account for the occasional higher emissions. Design limitations of the existing SCR and SNCR control technology installed on the affected coal-fired boilers dictate the operating parameters that are reasonably achievable.

However, based on consideration of comments received during the public comment period and on the evaluation of NO<sub>x</sub> emissions data for coal-fired boilers for a 5-year period, final-form § 129.97(g)(1)(viii) and (ix) addresses the use of installed SCR or SNCR equipment. Further, the NO<sub>x</sub> emission limit for CFB combustion units in § 129.97(g)(1)(vi)(A) is lowered from the proposed 0.20 lb NO<sub>x</sub>/million Btu heat input to 0.16 lb NO<sub>x</sub>/million Btu heat input in the final-form rulemaking.

The final-form rulemaking adds § 129.97(g)(1)(viii), which states that the presumptive emission limitation for a combustion unit with an SCR system operating with an inlet temperature equal to or greater than 600°F is 0.12 lb NO<sub>x</sub>/million Btu heat input. Section 129.97(g)(1)(viii) further states that compliance with this emission limit is also required when by-passing the SCR system. Therefore, operation of SCR for one facility cannot be used to offset non-operation of SCR from a different facility in an emissions averaging plan.

Many commentators found that utilities should not be allowed to average their NO<sub>x</sub> emissions over their entire fleet of power plants in addition to allowing them to average these emissions over 30 days rather than the 1-hour or 8-hour standard. Peaking units should not be allowed to average their NO<sub>x</sub> emissions over 30 days rather than 24 hours or less.

The Board disagrees. A 30-day rolling averaging period is appropriate to accommodate operation at varying load and operating conditions.

A 30-day rolling limit addresses problems including variability in fuel (such as in waste coal combustors), emission spikes during start-up and shutdown of the emission source, and emissions during malfunctions that are faced by certain owners and operators. Due to these unavoidable circumstances not indicative of normal operation, it would not be appropriate for utilities utilizing NO<sub>x</sub> CEMS to be required to show compliance with the presumptive NO<sub>x</sub> RACT emission limitations over a 1-hour or 8-hour averaging period. The 30-day rolling average will require that the owners and operators operate below the allowable standard to account for the occasional higher emissions. A 30-day rolling average has been approved by the EPA to demonstrate compliance with the short-term RACT limitations in SIP revisions submitted by certain states, including New York and Wisconsin.

Wisconsin's RACT regulations, which the EPA approved in October 2010, include emission averaging on a 30-day

rolling basis for determining compliance. Wisconsin described this period as short term and noted that this approach would allow averaging of the typical variations in emission levels from a single unit.

The 30-day rolling averages are determined on an operating-day basis by taking the total emissions and dividing by the total heat input during each 30-day period. Therefore, there is no difference for peaking units as compared to other units.

In a recent court decision from the 9th Circuit Court of Appeals, the court stated in *Nat'l Parks Conservation Ass'n v. EPA*, No. 12-73710 (9th Cir. 2015) that "EPA also properly set emissions limits for Corette [a coal-fired power plant] on a 30-day rolling average. . . . EPA's reasoned disagreement on this topic with PPL Montana's comment reflects its conclusion on a highly scientific question—the variance in emissions calculations that occurs when annualized rates are translated into thirty-day rolling averages—precisely the kind of question justifying deference to EPA's discretion. See *Nat'l Wildlife Fed'n v. U.S. Army Corps of Eng'rs*, 384 F.3d 1163, 1177-78 (9th Cir. 2004)." Similarly, the Department is setting a 30-day rolling average to accommodate variances in hourly or daily emission calculations. With these variances accommodated, the Department is able to set emission limitations at a lower level.

In the preamble to the final rule for Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements, the EPA supported the use of area-wide emissions averaging at 80 FR 12264, 12280. The final rule stated "[t]he EPA's existing policy recognizes that states can meet NO<sub>x</sub> RACT requirements by submitting as part of their NO<sub>x</sub> RACT SIP submittal a demonstration that the weighted average NO<sub>x</sub> emission rate from sources in the nonattainment area subject to RACT achieves RACT-level reductions." The final rule also stated "[c]onsistent with previous guidance, the EPA continues to believe that RACT can be met on average by a group of sources within a nonattainment area rather than at each individual source." The averaging provision included in § 129.98 is consistent with the EPA's final rule.

A number of commentators found that the equation for calculating the 30-day rolling average should reflect what the proposed rulemaking's actual text provides for, which is that the value for the 30-day rolling average is calculated by taking the total mass of NO<sub>x</sub> emissions for the sources under the plan (over the 30-day period) and comparing that with the total mass of NO<sub>x</sub> that the sources could have emitted by using the emission rates under the presumptive RACT. In these instances, the actual value of emissions must then be less than or equal to the allowable emissions over the 30-day period. Additionally, the averaging equation should also be generalized to allow operators to use engineering units consistent with the type of equipment or process.

The Board agrees with the commentators' suggestion about the 30-day rolling average equation. The facility-wide NO<sub>x</sub> emission averaging equation in § 129.98(e) has been revised in the final-form rulemaking to reflect a mass-to-mass comparison between actual and allowable NO<sub>x</sub> emissions. The aggregated actual emissions from sources included in the averaging plan must be no greater than aggregated allowable emissions on a 30-day rolling basis. The allowable emissions are necessarily determined using the actual operation of the emission sources included in the plan. The owner or operator assumes the responsibility to meet the allowable emission limit. See the response to comment 138 in the comment and

response document for information about how emission sources are selected for inclusion in an emissions averaging plan proposal submitted under § 129.98.

Section 129.98(d) has been revised in the final-form rulemaking to clarify that the application for the operating permit modification or the plan approval, if otherwise required, for averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under § 129.98(b) must demonstrate that the aggregate NO<sub>x</sub> emissions emitted by the air contamination sources included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan using a 30-day rolling average are not greater than the NO<sub>x</sub> emissions that would be emitted by the group of included sources if each source complied with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97 on a source-specific basis.

Section 129.98(e) has been revised in the final-form rulemaking to incorporate the following changes in the facility-wide or system-wide NO<sub>x</sub> emissions averaging equation: the 0.9 factor was deleted and the final-form equation reflects a mass-to-mass comparison between actual and allowable NO<sub>x</sub> emissions. Since the final-form rulemaking sets forth more stringent requirements and emission limitations for certain affected sources than were proposed, the 0.9 factor is not included in the averaging equation.

§§ 129.97(a) and (k), 129.99(i) and 129.100(b)—*Compliance demonstration timeline*

Several commentators noted that the timing in the proposed rulemaking for the implementation of the RACT regulations is not adequate. A 1-year compliance schedule for implementing alternative RACT NO<sub>x</sub> limitations is infeasible, grossly inadequate, impractical and unreasonable. The Board should explain why the time frames are reasonable or provide a request for extension provision in the final-form rulemaking.

The Board disagrees with the commentators. The final-form rulemaking provides an adequate amount of time for the implementation of the alternative RACT requirement or RACT emission limitation. Moreover, the EPA recently established a January 1, 2017, RACT implementation deadline for the 2008 8-hour ozone NAAQS. In the preamble for the SIP Implementation Requirements Rule published at 80 FR 12264, 12279, the EPA stated the following:

The EPA believes that the January 1, 2017, date allows a sufficient amount of time for states to make RACT determinations and for sources to meet RACT requirements on the time-table originally anticipated under the 1990 CAA Amendments, and ensures that RACT measures are required to be in place throughout the last ozone season prior to the Moderate area attainment date of July 20, 2018.

The final-form rulemaking provides additional time for compliance if the installation of air cleaning devices or approval of alternative emission limitations or compliance schedules will be necessary for RACT compliance purposes.

Two commentators found that § 129.97(a) and (k), relative to alternative compliance schedules, should allow for an exception to the presumptive RACT limits in situations when a regulated entity submits a timely and complete proposal for an alternative RACT. As written, the subsections appear to require compliance with the presumptive RACT limits until the Department approves an alternative RACT. This creates uncertainty and puts the regulated entity at risk of being in noncompliance

even though it applied for an alternative in good faith and on a timely basis. The subsections should be amended to provide a mechanism for a regulated source to secure an extension of those deadlines.

The Boards disagrees in part and agrees in part. Section 129.97(k)(2)(iv) has not been changed from proposed to final-form rulemaking. Proposed § 129.97(k)(2)(v) specified that the written petition include a proposed final compliance date that is as soon as possible but not later than 3 years after the effective date of adoption of the proposed rulemaking. Section 129.97(k)(2)(v) has been amended to specify that the written petition include a proposed final compliance date that is as soon as possible but not later than 3 years after the approval of the petition. The approved petition shall be incorporated in an applicable operating permit or plan approval. The affected owner and operator that cannot comply with the presumptive RACT requirement or RACT emission limitation without the installation of an air cleaning device therefore has 6 months to submit the written petition under § 129.97(k)(1) and may request an extension of the compliance date under § 129.97(k)(2)(v) of up to 3 years after the approval date of the petition.

Some commentators wanted to allow 12 to 18 months from the effective date of this final-form rulemaking to submit a proposed case-by-case RACT, and the compliance deadline for an approved alternative RACT should be submitted with the RACT proposal.

The Board disagrees with the commentators that applicants should have 12 to 18 months after the effective date of the final-form rulemaking to submit an alternative RACT proposal. The case-by-case RACT proposals for the existing RACT requirements in § 129.91 (relating to control of major sources of NO<sub>x</sub> and VOCs) were required to be submitted by the affected owners and operators by July 15, 1994, which was 6 months after the effective date of § 129.91. See 24 Pa.B. 467 (January 15, 1994). The 6-month time frame in final-form § 129.99(d)(1) for the submission of alternative RACT proposals is consistent with existing Department regulations.

Furthermore, at 80 FR 12264, 12282, the EPA stated that "... the January 1, 2017, date allows a sufficient amount of time for states to make RACT determinations and for sources to meet RACT requirements on the time-table originally anticipated under the 1990 CAA Amendments. ..." With a January 1, 2017, RACT implementation deadline, the 6-month deadline for the submittal of alternatives to the presumptive RACT requirements and limitations is reasonable.

The Board agrees with the commentators that the compliance deadline for an approved alternative RACT should be submitted with the RACT proposal and included this requirement in proposed § 129.99(d)(4). Final-form § 129.99(i)(2)(v) has been revised to specify that the written petition include a proposed final compliance date that is as soon as possible but not later than 3 years after the approval of the petition. If the petition is for the replacement of an existing source, the final compliance date will be determined on a case-by-case basis.

§ 129.99. *Alternative RACT proposal and petition for alternative compliance schedule*

Several commentators supported the provisions of the proposed rulemaking preserving case-by-case.

The Board thanks the commentators for their support. The Board believes that the section dealing with case-by-case provides certain flexibility for the regulated community. However, the Board does not expect that this



provision will be used routinely as the owners and operators of most affected sources shall likely meet the presumptive RACT requirements and RACT emission limitations.

The commentators recommended that the Department further outline the case-by-case process, as well as update and define dollar-per-ton cost thresholds against which case-by-case RACT petitions will be required to rank technology options. The Department provided similar detail in the first RACT implementation program in 1994 and, for example, could include implementation guidance and a reference to the updated EPA cost manual.

The Board notes that the Department did not establish a bright-line cost effectiveness threshold to determine RACT. For the determination of presumptive NO<sub>x</sub> RACT emission limitations, the Department generally used a NO<sub>x</sub> emission cost-effectiveness upper bound of \$2,800 per ton NO<sub>x</sub> controlled. However, the cost effectiveness thresholds used for presumptive RACT emission limitations may not be appropriate for case-by-case determinations. Prior to the implementation of the final-form RACT rulemaking requirements, the Department may prepare additional guidance for alternative RACT proposals and petitions for an alternative compliance schedule, if necessary. The case-by-case process itself is outlined under § 129.99.

A commentator said that the Department is to approve, deny or modify the alternative RACT proposal in writing through the issuance of a plan approval or an operating permit modification prior to the owner or operator implementing the alternative RACT emission limitation. The proposed rulemaking should be revised to acknowledge that modifications of the alternative RACT proposal will not be made without input from the applicant.

The Board finds that § 129.99(e)(3) allows the Department to deny or modify the alternative RACT proposal submitted by the applicant if the proposal does not comply with § 129.99(d). The proposed alternative RACT determinations are required to undergo a public participation process when the applicant will have an opportunity to comment. In addition, the applicant has the right to appeal the final RACT determination.

*§ 129.100. Compliance demonstration and recordkeeping requirements*

*Subsections (a) and (c)—Source testing and monitoring*

A few commentators stated that many of these provisions do not meet the CAA requirement for a monitored, verifiable, measureable and Federally-enforceable emissions control program.

The Board disagrees. The final-form rulemaking contains adequate requirements for monitoring that are measureable and verifiable and will be Federally enforceable upon approval by the EPA as a SIP revision. These requirements are under § 129.100.

More than a few commentators believed that NO<sub>x</sub> emissions should be monitored by pollution sources and over a 1-hour and 8-hour standard.

The Board disagrees. For sources equipped with CEMS, a 30-day rolling averaging period is appropriate to accommodate operation at varying load and operating conditions. A 30-day rolling limit addresses problems including variability in fuel (such as in waste coal combustors), emission spikes during start-up and shutdown of the emission source, and emissions during malfunctions that are faced by certain owners and operators. Due to these unavoidable circumstances not indicative of normal opera-

tion, it would not be appropriate for utilities utilizing NO<sub>x</sub> CEMS to be required to show compliance with the presumptive NO<sub>x</sub> RACT emission limitations over a 1-hour or 8-hour averaging period. The 30-day rolling average will require that the owners and operators operate below the allowable standard to account for the occasional higher emissions. A 30-day rolling average has been approved by the EPA to demonstrate compliance with the short-term RACT limitations in SIP revisions submitted by certain states including New York and Wisconsin.

Wisconsin's RACT regulations, which the EPA approved in October 2010, include emission averaging on a 30-day rolling basis for determining compliance. Wisconsin described this period as short term and noted that this approach would allow averaging of the typical variations in emission levels from a single unit. For sources not equipped with CEMS, compliance with the presumptive NO<sub>x</sub> RACT emission limitations is to be shown with appropriate EPA reference-method source testing. Therefore, the RACT rulemaking contains adequate requirements for monitoring that are measureable and verifiable and will be Federally enforceable upon approval by the EPA as a SIP revision.

One commentator believed that the waiver regarding stack testing compliance demonstration in § 129.100(c) should be available to all sources subject to the proposed regulations, including those subject to § 129.99, the case-by-case RACT determination.

The Board responds by noting that the owner or operator of any source that is not subject to a presumptive RACT requirement may propose an alternative RACT emission limitation. The alternative RACT proposal may include alternative methods of compliance demonstration, including the use of previously performed source testing. Since this would involve case-by-case approval, there is no need to put any additional requirements in the final-form rulemaking.

Another commentator stated that, under § 129.100, compliance for each source subject to RACT limits is to be demonstrated through CEMS or source testing. The final-form rulemaking should provide that engines that are EPA-certified for the NSPS (40 CFR Part 60, Subparts IIII and JJJJ (relating to standards of performance for stationary compression ignition internal combustion engines; and standards of performance for stationary spark ignition internal combustion engines)) comply with RACT without resort to CEMS or source testing. The use of an EPA-certified engine should be sufficient to demonstrate compliance with RACT emission limitations.

The Board disagrees. Compliance must be demonstrated in accordance with § 129.100, which requires that compliance for each source subject to RACT limits is to be demonstrated through either CEMS or stack testing. A certification in and of itself cannot show that a source is in compliance with an emission limit. Only a CEMS, stack test or other measuring protocol can assure compliance. In the case of RACT, the Department decided that a CEMS or stack test is the most efficacious way to show compliance.

*Subsections (d)—(i)—Recordkeeping*

A few commentators noted that proposed § 129.100 contained compliance demonstration and recordkeeping requirements for sources subject to part or all of the proposed rulemaking. However, there does not seem to be any direction for a source only subject to work practice standards (such as the vague good engineering practices



requirement). The commentators asked what is their compliance demonstration method and what records is a site required to keep to meet this requirement.

The Board points out that § 127.444 requires sources to operate in a manner consistent with good operating practices. Sources subject to § 129.97 are already subject to § 127.444. The Title V Operating Permit includes the appropriate recordkeeping and reporting requirements to demonstrate compliance with all applicable requirements.

It should be noted that the presumptive RACT requirements included in § 129.93 require the installation, maintenance and operation of the source in accordance with manufacturer's specifications. This requirement has been implemented since 1995. In addition, the owner or operator may opt to determine RACT requirements on a case-by-case basis under § 129.99 in place of the presumptive RACT requirements and RACT emission limitations under § 129.97.

The commentator felt that CO should not be included in the log book. At a minimum the CO emissions requirement should be removed as CO is not part of the proposed NO<sub>x</sub> and VOC RACT.

The Board disagrees. The final-form rulemaking has been revised to require biennial tune-ups for a combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour conducted in accordance with 40 CFR 63.11223. CO emissions are required to be included in the record under 40 CFR 63.11223. In addition, CO emissions are recorded as a surrogate for VOC emissions.

A commentator stated that the cement kiln limits apply at all times, including malfunctions, so there is no logical reason why the Department would need malfunction logs to assess compliance with the proposed rulemaking. Malfunction records are already required under Title V boilerplate conditions and do not need to be repeated in the proposed rulemaking.

The Board notes that the presumptive NO<sub>x</sub> RACT emission limitations for Portland cement kilns are applicable at all times, including start-up, shutdown and malfunction. The Department agrees that malfunction records are already required by Title V permits. Therefore, no additional recordkeeping requirements are imposed on the owner or operator to record malfunction information due to the final-form rulemaking.

#### *Miscellaneous comments*

A commentator believed that the failure to apply MACT-based limits uniformly, especially to municipal waste combustors, also poses a risk of increased VOC exposure to vulnerable populations that may also fall under the rubric of environmental justice communities which are warranted additional protection under Federal Executive Order 12898 (1994), Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations.

The Board disagrees that the failure to apply MACT-level limitations to subject sources, including municipal waste combustors, will pose a risk of increased VOC exposure to vulnerable populations. The proposed and final-form rulemakings address the Commonwealth's obligations under the act, the CAA and regulations issued under the CAA to establish RACT requirements for the 8-hour ozone NAAQS promulgated in 1997 and revised in 2008. The RACT requirements and emission limitations in the proposed rulemaking are applicable to the owners and operators of subject sources of NO<sub>x</sub> or VOC emissions

(precursors to ozone formation) in existence on or before July 20, 2012, the effective date of the EPA's designations and classifications for the 2008 ozone NAAQS published at 77 FR 30088.

The Commonwealth must implement permanent and enforceable control measures to attain and maintain the standards and to ensure violations of the standards do not occur for the next decade.

This final-form rulemaking will provide reductions of both potential and actual NO<sub>x</sub> and VOC emissions from major NO<sub>x</sub> and VOC emitting facilities Statewide. Additionally, the owners and operators of many of the facilities that the commentator is concerned about are already subject to MACT.

A commentator requested clarification regarding the jurisdiction of the Philadelphia Air Management Services (AMS) in implementing/enforcing the RACT regulations in proposed §§ 129.96—129.100. The commentator recommended that compliance with proposed §§ 129.96—129.100 satisfy compliance with Philadelphia AMS RACT requirements.

The Philadelphia AMS in the City of Philadelphia's Health Department administers a local air pollution control program approved by the Department under section 12 of the act (35 P.S. § 4012). Air quality regulations enforced by the Philadelphia AMS are codified under Title 3 of the *Philadelphia Code*. The Philadelphia AMS may incorporate Department regulations by reference or may enact regulations of its own to satisfy the obligations under the CAA and regulations issued under the CAA. The Philadelphia AMS has required the owners and operators of affected sources in its jurisdiction to determine RACT requirements on a case-by-case basis for the 1997 ozone standard. While the Board's RACT regulations will apply Statewide, the Philadelphia AMS may establish separate RACT requirements and compliance standards for the owners and operators of affected sources under its jurisdiction.

Commentators signed a petition that expressed concern that the proposed rulemaking will not do enough to address pollution at coal-fired power plants.

The Board acknowledges receipt of a petition containing 2,246 signatures. The Board also disagrees with the commentators. The final-form rulemaking requires the owners and operators of any combustion unit equipped with an SCR system that is operating with an inlet temperature equal to or greater than 600°F to meet a NO<sub>x</sub> emission limit of 0.12 lb NO<sub>x</sub>/million Btu. Compliance with this emission limit is also required when by-passing the SCR system. The more stringent NO<sub>x</sub> emission limitation for coal-fired units equipped with SCR systems will reduce NO<sub>x</sub> emissions from the electric generating sector to approximately 59,000 tons of actual NO<sub>x</sub> emissions. It is also important to note that NO<sub>x</sub> emissions have declined significantly in this Commonwealth, especially from coal-fired EGUs—NO<sub>x</sub> emissions decreased from approximately 192,004 tons in 2000 to 119,025 tons of NO<sub>x</sub> emissions in 2013. The final-form rulemaking will result in further reductions in actual NO<sub>x</sub> emissions from one of the largest sources of NO<sub>x</sub> emissions in the Department emissions inventory.

#### *G. Benefits, Costs and Compliance*

##### *Benefits*

Reduced ambient concentrations of ground-level ozone would reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the

elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion.

This final-form rulemaking may create economic opportunities for NO<sub>x</sub> and VOC emission control technology innovators, manufacturers and distributors through an increased demand for new or improved equipment. In addition, the owners and operators of regulated facilities may be required to install and operate an emissions monitoring system or equipment necessary for an emissions monitoring method to comply with this final-form rulemaking, thereby creating an economic opportunity for the emissions monitoring industry.

#### *Compliance costs*

Compliance costs will vary for each facility depending on which compliance option is chosen by the owner and operator of a facility. The final-form rulemaking includes a provision for the owner and operator of an affected facility to meet the applicable presumptive NO<sub>x</sub> RACT or VOC RACT emission limitation under § 129.97, which is the option to propose an alternative compliance schedule if an air cleaning device must be installed. In addition, in the case of a NO<sub>x</sub> limitation, the owners and operators of an affected facility may elect to meet that applicable NO<sub>x</sub> RACT emission limitation by averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average under § 129.98.

An affected facility owner or operator may also submit a case-specific RACT proposal for an alternative emission limitation to the Department for approval under § 129.99. Under this provision, the owner or operator shall demonstrate to the Department's satisfaction that it is economically or technically infeasible to meet the applicable proposed NO<sub>x</sub> RACT or VOC RACT emission limitation. These provisions may minimize compliance costs to the owner or operator of an affected facility.

The emission limitations established by this final-form rulemaking will not require the submission of applications for amendments to existing operating permits. These requirements will be incorporated as applicable requirements at the time of permit renewal, if less than 3 years remain in the permit term, as specified under § 127.463(c) (relating to operating permit revisions to incorporate applicable standards). If 3 years or more remain in the permit term, the requirements will be incorporated as applicable requirements in the permit within 18 months of the promulgation of the final-form rulemaking, as required under § 127.463(b). Most importantly, § 127.463(e) specifies that "[r]egardless of whether a revision is required under this section, the permittee shall meet the applicable standards or regulations promulgated under the Clean Air Act within the time frame required by standards or regulations." Consequently, the requirements will apply to affected owners and operators irrespective of a modification to the operating permit.

#### *Compliance assistance plan*

The Department will continue to work with the Small Business Assistance Program to aid the facilities less able to handle permitting matters with in-house staff. Through increased preapplication meetings with facilities, industry and the Department both benefit by faster review of permit applications.

#### *Paperwork requirements*

The final-form rulemaking will not increase the paperwork that is already generated during the normal course of business operations.

#### *H. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to the owners and operators of facilities that permanently achieve or move beyond compliance. The final RACT requirements allow the Department and approved local air pollution control agencies to maintain or increase the reductions of NO<sub>x</sub> and VOC emissions from the regulated sources in this Commonwealth, sustain the gains made in healthful air quality and ensure continued protection of the environment and the public health and welfare of the citizens of this Commonwealth.

#### *I. Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 7, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 2392 (April 19, 2014), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 9, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 10, 2016, and approved the final-form rulemaking.

#### *K. Findings*

The Board finds that:

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

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 2392.

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

(5) These regulations are reasonably necessary to attain and maintain the 8-hour ozone NAAQS and to satisfy related CAA requirements.

L. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by adding §§ 129.96—129.100 and by amending § 121.1 to read as set forth in Annex A, with ellipses referring to existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

JOHN QUIGLEY,  
Chairperson

(Editor's Note: See 46 Pa.B. 1623 (March 26, 2016) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 7-485 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE III. AIR RESOURCES**  
**CHAPTER 121. GENERAL PROVISIONS**

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*CEMS—Continuous emissions monitoring system*—All of the equipment that may be required to meet the data acquisition and availability requirements established under the act or the Clean Air Act to monitor, measure, calculate, sample, condition, analyze and provide a record of emissions from an affected unit on a continuous basis.

\* \* \* \* \*

*Major NO<sub>x</sub> emitting facility*—A facility which emits or has the potential to emit NO<sub>x</sub> from the processes located at the site or on contiguous properties under the common control of the same person at a rate greater than one of the following:

(i) Ten TPY in an ozone nonattainment area designated as extreme under section 182(e) and (f) of the Clean Air Act (42 U.S.C.A. § 7511a(e) and (f)).

(ii) Twenty-five TPY in an ozone nonattainment area designated as severe under section 182(d) and (f) of the Clean Air Act.

(iii) Fifty TPY in an area designated as serious under section 182(c) and (f) of the Clean Air Act.

(iv) One hundred TPY in an area included in an ozone transport region established under section 184 of the Clean Air Act (42 U.S.C.A. § 7511c).

(v) Twenty-five TPY and is located in Bucks, Chester, Delaware, Montgomery or Philadelphia County. This threshold does not apply to §§ 129.96—129.100 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs).

*Major VOC emitting facility*—A facility which emits or has the potential to emit VOCs from processes located at the site or on contiguous properties under the common control of the same person at a rate greater than one of the following:

(i) Ten TPY in an ozone nonattainment area designated as extreme under section 182(e) of the Clean Air Act.

(ii) Twenty-five TPY in an ozone nonattainment area designated as severe under section 182(d) of the Clean Air Act.

(iii) Fifty TPY in an area included in an ozone transport region established under section 184 of the Clean Air Act.

(iv) Twenty-five TPY and is located in Bucks, Chester, Delaware, Montgomery or Philadelphia County. This threshold does not apply to §§ 129.96—129.100.

\* \* \* \* \*

*Process*—A method, reaction or operation in which materials are handled or whereby materials undergo physical change—that is, the size, shape, appearance, temperature, state or other physical property of the material is altered—or chemical change—that is, a substance with different chemical composition or properties is formed or created. The term includes all of the equipment, operations and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or parallel necessary to the manufacture of a product.

*Process heater*—

(i) An enclosed device using controlled flame, that is not a boiler, the primary purpose of which is to transfer heat to a process material or to a heat transfer material for use in a process unit.

(ii) The term does not include an enclosed device that meets either of the following circumstances:

(A) Has the primary purpose of generating steam.

(B) In which the material being heated is in direct contact with the products of combustion, including:

(I) A furnace.

(II) A kiln.

(III) An unfired waste heat recovery heater.

(IV) A unit used for comfort heat, space heat or food preparation for onsite consumption.

(V) An autoclave.



*Project*—A physical change in or change in the method of operation of an existing facility, including a new emissions unit.

\* \* \* \* \*

*Refinery component*—A piece of equipment which has the potential to leak VOCs when tested in the manner specified in § 129.58 (relating to petroleum refineries—fugitive sources). These sources include, but are not limited to, pump seals, compressor seals, seal oil degassing vents, pipeline valves, pressure relief devices, process drains and open-ended pipes. Excluded from these sources are valves which are not externally regulated.

*Refinery gas*—Gas produced at a refinery which produces petroleum products, including gasoline, from refinery units.

*Refinery unit*—A basic process operation, such as distillation hydrotreating, cracking or reforming of hydrocarbons which is made up of a set of refinery components.

*Regenerative cycle combustion turbine*—A stationary combustion turbine which recovers heat from the combustion turbine exhaust gases to preheat the inlet combustion air to the combustion turbine.

*Regulated NSR pollutant*—

\* \* \* \* \*

*Silicone insulation material*—An insulating material applied to exterior metal surfaces of aerospace vehicles for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not designed to be purposefully exposed to open flame or extreme heat and charred.

*Simple cycle combustion turbine*—A stationary combustion turbine which does not recover heat from the combustion turbine exhaust gases to preheat the inlet combustion air to the combustion turbine, or which does not recover heat from the combustion turbine exhaust gases for purposes other than enhancing the performance of the combustion turbine itself.

*Single coat*—One film of coating applied to a metal surface.

\* \* \* \* \*

*Start-up*—For purposes of §§ 129.301—129.310, the period of time, after initial construction, shutdown or cold shutdown, during which a glass melting furnace is heated to stable operating temperature by the primary furnace combustion system, and systems and instrumentation are brought to stabilization.

*Stationary combustion turbine*—Equipment, including the turbine, fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), heat recovery system, and ancillary components and subcomponents comprising a simple cycle combustion turbine, a regenerative or recuperative cycle combustion turbine, a combined cycle combustion turbine, and a combined heat and power combustion turbine-based system. The equipment is not self-propelled or intended to be propelled while performing its function. The equipment may be mounted on a vehicle for portability.

*Stationary internal combustion engine or stationary reciprocating internal combustion engine*—

(i) An internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile.

(ii) The term does not include the following:

(A) A combustion turbine.

(B) A nonroad engine as defined in 40 CFR 1068.30 (relating to what definitions apply to this part), excluding paragraph (2)(ii) of this definition.

(C) An engine used to propel a motor vehicle, an aircraft or a vehicle used solely for competition.

(D) A portable temporary source such as an air compressor or generator.

*Stockpiling*—The act of placing, storing and removing materials on piles exposed to the outdoor atmosphere. Placing refers to the deposition of material onto the pile. Removing refers to disturbing the pile either for loading of material into or onto vehicles for transportation purposes or for material handling. Material that is not to be utilized in the production of a product or is not itself a useful product is excluded from the definition of stockpile material. Operations which consist entirely of transferring material between different transportation conveyances are also excluded from this definition.

\* \* \* \* \*

**CHAPTER 129. STANDARDS FOR SOURCES  
ADDITIONAL RACT REQUIREMENTS FOR MAJOR  
SOURCES OF NO<sub>x</sub> AND VOCs**

**§ 129.96. Applicability.**

(a) The NO<sub>x</sub> requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility and the VOC requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a major VOC emitting facility that were in existence on or before July 20, 2012, for which a requirement or emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(b) The NO<sub>x</sub> requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a NO<sub>x</sub> emitting facility and the VOC requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a VOC emitting facility when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility and for which a requirement or an emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(c) This section and §§ 129.97—129.100 do not apply to the owner and operator of a NO<sub>x</sub> air contamination source located at a major NO<sub>x</sub> emitting facility that has the potential to emit less than 1 TPY of NO<sub>x</sub> or a VOC air contamination source located at a major VOC emitting facility that has the potential to emit less than 1 TPY of VOC.

(d) This section and §§ 129.97—129.100 do not apply to the owner and operator of a facility which is not a major NO<sub>x</sub> emitting facility or a major VOC emitting facility on or before January 1, 2017.

**§ 129.97. Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule.**

(a) The owner and operator of a source listed in one or more of subsections (b)—(h) located at a major NO<sub>x</sub>

emitting facility or major VOC emitting facility subject to § 129.96 (relating to applicability) shall comply with the applicable presumptive RACT requirement or RACT emission limitation, or both, beginning with the specified compliance date as follows, unless an alternative compliance schedule is submitted and approved under subsections (k)—(m) or § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule):

(1) January 1, 2017, for a source subject to § 129.96(a).

(2) January 1, 2017, or 1 year after the date the source meets the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(b) The owner and operator of a source specified in this subsection, which is located at a major NO<sub>x</sub> emitting facility or major VOC emitting facility subject to § 129.96 shall comply with the following:

(1) The presumptive RACT requirement for a combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour, which is the performance of a biennial tune-up conducted in accordance with the procedures in 40 CFR 63.11223 (relating to how do I demonstrate continuous compliance with the work practice and management practice standards). The biennial tune-up must include, at a minimum, the following:

(i) Inspection and cleaning or replacement of fuel-burning equipment, including the burners and components, as necessary, for proper operation as specified by the manufacturer.

(ii) Inspection of the flame pattern and adjustment of the burner, as necessary, to optimize the flame pattern to minimize total emissions of NO<sub>x</sub> and, to the extent possible, emissions of CO.

(iii) Inspection and adjustment, as necessary, of the air-to-fuel ratio control system to ensure proper calibration and operation as specified by the manufacturer.

(2) The owner or operator of a combustion unit with an oxygen trim system that maintains an optimum air-to-fuel ratio that would otherwise be subject to a biennial tune-up shall conduct a tune-up of the boiler one time in each 5-year calendar period. The tune-up must include, at a minimum, the following:

(i) Inspection and cleaning or replacement of fuel-burning equipment, including the burners and components, as necessary, for proper operation as specified by the manufacturer.

(ii) Inspection of the flame pattern and adjustment of the burner, as necessary, to optimize the flame pattern to minimize total emissions of NO<sub>x</sub> and, to the extent possible, emissions of CO.

(iii) Inspection and adjustment, as necessary, of the air-to-fuel ratio control system to ensure proper calibration and operation as specified by the manufacturer.

(3) The applicable recordkeeping requirements of § 129.100(d), (e) or (f) (relating to compliance demonstration and recordkeeping requirements).

(c) The owner and operator of a source specified in this subsection, which is located at a major NO<sub>x</sub> emitting facility or major VOC emitting facility subject to § 129.96 shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices:

(1) A NO<sub>x</sub> air contamination source that has the potential to emit less than 5 TPY of NO<sub>x</sub>.

(2) A VOC air contamination source that has the potential to emit less than 2.7 TPY of VOC.

(3) A boiler or other combustion source with an individual rated gross heat input less than 20 million Btu/hour.

(4) A combustion turbine with a rated output less than 1,000 bhp.

(5) A stationary internal combustion engine rated at less than 500 bhp (gross).

(6) An incinerator, thermal oxidizer or catalytic oxidizer used primarily for air pollution control.

(7) A fuel-burning unit with an annual capacity factor of less than 5%.

(i) For a combustion unit, the annual capacity factor is the ratio of the unit's heat input (in million Btu or equivalent units of measure) to the unit's maximum rated hourly heat input rate (in million Btu/hour or equivalent units of measure) multiplied by 8,760 hours during a period of 12 consecutive calendar months.

(ii) For an electric generating unit, the annual capacity factor is the ratio of the unit's actual electric output (expressed in MWe/hr) to the unit's nameplate capacity (or maximum observed hourly gross load (in MWe/hr) if greater than the nameplate capacity) multiplied by 8,760 hours during a period of 12 consecutive calendar months.

(iii) For any other unit, the annual capacity factor is the ratio of the unit's actual operating level to the unit's potential operating level during a period of 12 consecutive calendar months.

(8) An emergency standby engine operating less than 500 hours in a 12-month rolling period.

(d) Except as specified under subsection (c), the owner and operator of a combustion unit or other combustion source located at a major VOC emitting facility subject to § 129.96 shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices for the control of the VOC emissions from the combustion unit or other combustion source.

(e) The owner and operator of a municipal solid waste landfill subject to § 129.96 shall comply with the following applicable presumptive RACT requirement:

(1) For a municipal solid waste landfill constructed on or before May 30, 1991, emission guidelines and compliance times in 40 CFR Part 60, Subpart Cc (relating to emission guidelines and compliance times for municipal solid waste landfills), which are adopted and incorporated by reference in § 122.3 (relating to adoption of standards), and applicable Federal or state plans in 40 CFR Part 62 (relating to approval and promulgation of state plans for designated facilities and pollutants).

(2) For a municipal solid waste landfill constructed after May 30, 1991, New Source Performance Standards in 40 CFR Part 60, Subpart WWW (relating to standards of performance for municipal solid waste landfills), which are adopted and incorporated by reference in § 122.3.

(f) The owner and operator of a municipal waste combustor subject to § 129.96 shall comply with the presumptive RACT requirement of 180 ppmvd NO<sub>x</sub> @ 7% oxygen.

(g) Except as specified under subsection (c), the owner and operator of a NO<sub>x</sub> air contamination source specified in this subsection, which is located at a major NO<sub>x</sub> emitting facility or a VOC air contamination source specified in this subsection, which is located at a major VOC emitting facility subject to § 129.96 may not cause, allow or permit NO<sub>x</sub> or VOCs to be emitted from the air contamination source in excess of the applicable presumptive RACT emission limitation:

(1) A combustion unit or process heater:

(i) For a natural gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.10 lb NO<sub>x</sub>/million Btu heat input.

(ii) For a distillate oil-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.12 lb NO<sub>x</sub>/million Btu heat input.

(iii) For a residual oil-fired or other liquid fuel-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.20 lb NO<sub>x</sub>/million Btu heat input.

(iv) For a refinery gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.25 lb NO<sub>x</sub>/million Btu heat input.

(v) For a coal-fired combustion unit with a rated heat input equal to or greater than 50 million Btu/hour and less than 250 million Btu/hour, 0.45 lb NO<sub>x</sub>/million Btu heat input.

(vi) For a coal-fired combustion unit with a rated heat input equal to or greater than 250 million Btu/hour that is:

(A) A circulating fluidized bed combustion unit, 0.16 lb NO<sub>x</sub>/million Btu heat input.

(B) A tangentially fired combustion unit, 0.35 lb NO<sub>x</sub>/million Btu heat input.

(C) Any other type of coal-fired combustion unit, 0.40 lb NO<sub>x</sub>/million Btu heat input.

(vii) For any other type of solid fuel-fired combustion unit with a rated heat input equal to or greater than 50 million Btu/hour, 0.25 lb NO<sub>x</sub>/million Btu heat input.

(viii) For a coal-fired combustion unit with a selective catalytic reduction system operating with an inlet temperature equal to or greater than 600°F, 0.12 lb NO<sub>x</sub>/million Btu heat input. Compliance with this emission limit is also required when by-passing the selective catalytic reduction system.

(ix) For a coal-fired combustion unit with a selective noncatalytic reduction system, the selective noncatalytic reduction system shall be operated with the injection of reagents including ammonia or other NO<sub>x</sub>-reducing agents when the temperature at the area of the reagent injection is equal to or greater than 1,600°F.

(2) A combustion turbine:

(i) For a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 1,000 bhp and less than 180 MW when firing:

(A) Natural gas or a noncommercial gaseous fuel, 42 ppmvd NO<sub>x</sub> @ 15% oxygen.

(B) Fuel oil, 96 ppmvd NO<sub>x</sub> @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 5 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 9 ppmvd VOC (as propane) @ 15% oxygen.

(ii) For a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 180 MW when firing:

(A) Natural gas or a noncommercial gaseous fuel, 4 ppmvd NO<sub>x</sub> @ 15% oxygen.

(B) Fuel oil, 8 ppmvd NO<sub>x</sub> @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 2 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 2 ppmvd VOC (as propane) @ 15% oxygen.

(iii) For a simple cycle or regenerative cycle combustion turbine with a rated output equal to or greater than 1,000 bhp and less than 6,000 bhp when firing:

(A) Natural gas or a noncommercial gaseous fuel, 150 ppmvd NO<sub>x</sub> @ 15% oxygen.

(B) Fuel oil, 150 ppmvd NO<sub>x</sub> @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 9 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 9 ppmvd VOC (as propane) @ 15% oxygen.

(iv) For a simple cycle or regenerative cycle combustion turbine with a rated output equal to or greater than 6,000 bhp when firing:

(A) Natural gas or a noncommercial gaseous fuel, 42 ppmvd NO<sub>x</sub> @ 15% oxygen.

(B) Fuel oil, 96 ppmvd NO<sub>x</sub> @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 9 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 9 ppmvd VOC (as propane) @ 15% oxygen.

(3) A stationary internal combustion engine:

(i) For a lean burn stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with:

(A) Natural gas or a noncommercial gaseous fuel, 3.0 grams NO<sub>x</sub>/bhp-hr.

(B) Natural gas or a noncommercial gaseous fuel, liquid fuel or dual-fuel, 1.0 gram VOC/bhp-hr excluding formaldehyde.

(ii) For a stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with liquid fuel or dual-fuel, 8.0 grams NO<sub>x</sub>/bhp-hr.

(iii) For a rich burn stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with:

(A) Natural gas or a noncommercial gaseous fuel, 2.0 grams NO<sub>x</sub>/bhp-hr.

(B) Natural gas or a noncommercial gaseous fuel, 1.0 gram VOC/bhp-hr.

(4) A unit firing multiple fuels:

(i) The applicable RACT multiple fuel emission limit shall be determined on a total heat input fuel weighted basis using the following equation:

$$E_{HI\text{weighted}} = \frac{\sum_{i=1}^n E_i HI_i}{\sum_{i=1}^n HI_i}$$

Where:

$E_{HI\text{weighted}}$  = The heat input fuel weighted multiple fuel emission rate or emission limitation for the compliance period, expressed in units of measure consistent with the units of measure for the emission limitation.



$E_i$  = The emission rate or emission limit for fuel  $i$  during the compliance period, expressed in units of measure consistent with the units of measure for the emission limitation.

$HI_i$  = The total heat input for fuel  $i$  during the compliance period.

$n$  = The number of different fuels used during the compliance period.

(ii) A fuel representing less than 1% of the unit's annual fuel consumption on a heat input basis is excluded when determining the applicable RACT multiple fuel emission limit calculated in accordance with subparagraph (i).

(iii) The determination in subparagraph (i) does not apply to a stationary internal combustion engine that is subject to the RACT emission limits in paragraph (3).

(h) The owner and operator of a Portland cement kiln subject to § 129.96 shall comply with the following applicable presumptive RACT emission limitation:

(1) 3.88 pounds of  $NO_x$  per ton of clinker produced for a long wet-process cement kiln as defined in § 145.142 (relating to definitions).

(2) 3.44 pounds of  $NO_x$  per ton of clinker produced for a long dry-process cement kiln as defined in § 145.142.

(3) 2.36 pounds of  $NO_x$  per ton of clinker produced for:

(i) A preheater cement kiln as defined in § 145.142.

(ii) A precalciner cement kiln as defined in § 145.142.

(i) The requirements and emission limitations of this section supersede the requirements and emission limitations of a RACT permit issued to the owner or operator of an air contamination source subject to one or more of subsections (b)—(h) prior to April 23, 2016, under §§ 129.91—129.95 (relating to stationary sources of  $NO_x$  and VOCs) to control, reduce or minimize  $NO_x$  emissions or VOC emissions, or both, from the air contamination source unless the permit contains more stringent requirements or emission limitations, or both.

(j) The requirements and emission limitations of this section supersede the requirements and emission limitations of §§ 129.201—129.205, 145.111—145.113 and 145.141—145.146 (relating to additional  $NO_x$  requirements; emissions of  $NO_x$  from stationary internal combustion engines; and emissions of  $NO_x$  from cement manufacturing) unless the requirements or emission limitations of §§ 129.201—129.205, §§ 145.111—145.113 or §§ 145.141—145.146 are more stringent.

(k) The owner or operator of a major  $NO_x$  emitting facility or a major VOC emitting facility subject to § 129.96 that includes an air contamination source subject to one or more of subsections (b)—(h) that cannot meet the applicable presumptive RACT requirement or RACT emission limitation without installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) October 24, 2016, for a source subject to § 129.96(a).

(ii) October 24, 2016, or 6 months after the date that the source meets the definition of a major  $NO_x$  emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The written petition must include:

(i) A description, including make, model and location, of each affected source subject to a RACT requirement or a RACT emission limitation in one or more of subsections (b)—(h).

(ii) A description of the proposed air cleaning device to be installed.

(iii) A schedule containing proposed interim dates for completing each phase of the required work to install the air cleaning device described in subparagraph (ii).

(iv) A proposed interim emission limitation that will be imposed on the affected source until compliance is achieved with the applicable RACT requirement or RACT emission limitation.

(v) A proposed final compliance date that is as soon as possible but not later than 3 years after the written approval of the petition by the Department or the appropriate approved local air pollution control agency. The approved petition shall be incorporated in an applicable operating permit or plan approval.

(l) The Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (k) and approve or deny the petition in writing.

(m) Approval or denial under subsection (l) of the timely and complete petition for an alternative compliance schedule submitted under subsection (k) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

#### § 129.98. Facility-wide or system-wide $NO_x$ emissions averaging plan general requirements.

(a) The owner or operator of a major  $NO_x$  emitting facility subject to § 129.96 (relating to applicability) that includes at least one air contamination source subject to a  $NO_x$  RACT emission limitation in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) that cannot meet the applicable  $NO_x$  RACT emission limitation may elect to meet the applicable  $NO_x$  RACT emission limitation in § 129.97 by averaging  $NO_x$  emissions on either a facility-wide or system-wide basis using a 30-day rolling average. System-wide emissions averaging must be among sources under common control of the same owner or operator within the same ozone nonattainment area in this Commonwealth.

(b) The owner or operator of each facility that elects to comply with subsection (a) shall submit a written  $NO_x$  emissions averaging plan to the Department or appropriate approved local air pollution control agency as part of an application for an operating permit modification or a plan approval, if otherwise required. The application incorporating the requirements of this section shall be submitted by the applicable date as follows:

(1) October 24, 2016, for a source subject to § 129.96(a).

(2) October 24, 2016, or 6 months after the date that the source meets the definition of a major  $NO_x$  emitting facility, whichever is later, for a source subject to § 129.96(b).

(c) Each  $NO_x$  air contamination source included in the application for an operating permit modification or a plan approval, if otherwise required, for averaging  $NO_x$  emis-



sions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must be an air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97.

(d) The application for the operating permit modification or the plan approval, if otherwise required, for averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must demonstrate that the aggregate NO<sub>x</sub> emissions emitted by the air contamination sources included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan using a 30-day rolling average are not greater than the NO<sub>x</sub> emissions that would be emitted by the group of included sources if each source complied with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97 on a source-specific basis.

(e) The owner or operator shall calculate the alternative facility-wide or system-wide NO<sub>x</sub> RACT emissions limitation using a 30-day rolling average for the air contamination sources included in the application for the operating permit modification or plan approval, if otherwise required, submitted under subsection (b) by using the following equation to sum the emissions for all of the sources included in the NO<sub>x</sub> emissions averaging plan:

$$\left[ \sum_{i=1}^n E_{i_{\text{actual}}} \right] \leq \left[ \sum_{i=1}^n E_{i_{\text{allowable}}} \right]$$

Where:

$E_{i_{\text{actual}}}$  = The actual NO<sub>x</sub> mass emissions, including emissions during start-ups, shutdowns and malfunctions, for air contamination source *i* on a 30-day rolling basis.

$E_{i_{\text{allowable}}}$  = The allowable NO<sub>x</sub> mass emissions computed using the allowable emission rate limitations for air contamination source *i* on a 30-day rolling basis specified in § 129.97. If an air contamination source included in an averaging plan is subject to a numerical emission rate limit that is more stringent than the applicable allowable emission rate limitation in § 129.97, then the numerical emission rate limit shall be used for the calculation of the allowable NO<sub>x</sub> mass emissions.

*n* = The number of air contamination sources included in the NO<sub>x</sub> emissions averaging plan.

(f) The application for the operating permit modification or a plan approval, if otherwise required, specified in subsections (b)—(e) may include facility-wide or system-wide NO<sub>x</sub> emissions averaging using a 30-day rolling average only for NO<sub>x</sub> emitting sources or NO<sub>x</sub> emitting facilities that are owned or operated by the applicant.

(g) The application for the operating permit modification or a plan approval, if otherwise required, specified in subsections (b)—(f) must include the following information:

- (1) Identification of each air contamination source included in the NO<sub>x</sub> emissions averaging plan.
- (2) Each air contamination source's applicable emission limitation in § 129.97.
- (3) Methods for demonstrating compliance and recordkeeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each source included in the NO<sub>x</sub> emissions averaging plan submitted under subsection (b).
- (h) An air contamination source or facility included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(g)

may be included in only one facility-wide or system-wide NO<sub>x</sub> emissions averaging plan.

(i) The Department or appropriate approved local air pollution control agency will issue a modification to the operating permit or a plan approval authorizing the NO<sub>x</sub> emissions averaging plan.

(j) The owner or operator of an air contamination source or facility included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(h) shall submit the reports and records specified in subsection (g)(3) to the Department or appropriate approved local air pollution control agency on the schedule specified in subsection (g)(3) to demonstrate compliance with § 129.100.

(k) The owner or operator of an air contamination source or facility included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(h) that achieves emission reductions in accordance with other emission limitations required under the act or the Clean Air Act, or regulations adopted under the act or the Clean Air Act, that are not NO<sub>x</sub> RACT emission limitations may not substitute those emission reductions for the emission reductions required by the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted to the Department or appropriate approved local air pollution control agency under subsection (b).

(l) The owner or operator of an air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97 that is not included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted under subsection (b) shall operate the source in compliance with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97.

(m) The owner and operator of the air contamination sources included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted under subsection (b) shall be liable for a violation of an applicable NO<sub>x</sub> RACT emission limitation at each source included in the NO<sub>x</sub> emissions averaging plan.

**§ 129.99. Alternative RACT proposal and petition for alternative compliance schedule.**

(a) The owner or operator of an air contamination source subject to § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) located at a major NO<sub>x</sub> emitting facility or major VOC emitting facility subject to § 129.96 (relating to applicability) that cannot meet the applicable presumptive RACT requirement or RACT emission limitation of § 129.97 may propose an alternative RACT requirement or RACT emission limitation in accordance with subsection (d).

(b) The owner or operator of a NO<sub>x</sub> air contamination source with a potential emission rate equal to or greater than 5.0 tons of NO<sub>x</sub> per year that is not subject to § 129.97 or §§ 129.201—129.205 (relating to additional NO<sub>x</sub> requirements) located at a major NO<sub>x</sub> emitting facility subject to § 129.96 shall propose a NO<sub>x</sub> RACT requirement or RACT emission limitation in accordance with subsection (d).

(c) The owner or operator of a VOC air contamination source with a potential emission rate equal to or greater than 2.7 tons of VOC per year that is not subject to § 129.97 located at a major VOC emitting facility subject to § 129.96 shall propose a VOC RACT requirement or RACT emission limitation in accordance with subsection (d).

(d) The owner or operator proposing an alternative RACT requirement or RACT emission limitation under subsection (a), (b) or (c) shall:

(1) Submit a written RACT proposal in accordance with the procedures in § 129.92(a)(1)—(5), (7)—(10) and (b) (relating to RACT proposal requirements) to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) October 24, 2016, for a source subject to § 129.96(a).

(ii) October 24, 2016, or 6 months after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) Be in receipt of an approval issued by the Department or appropriate approved local air pollution control agency in writing through a plan approval or operating permit modification for a RACT proposal submitted under paragraph (1)(ii) prior to the installation, modification or change in the operation of the existing air contamination source that will result in the source or facility meeting the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility.

(3) Include in the RACT proposal the proposed alternative NO<sub>x</sub> RACT requirement or RACT emission limitation or VOC RACT requirement or RACT emission limitation developed in accordance with the procedures in § 129.92(a)(1)—(5) and (b).

(4) Include in the RACT proposal a schedule for completing implementation of the RACT requirement or RACT emission limitation as soon as possible but not later than:

(i) January 1, 2017, for a source subject to § 129.96(a).

(ii) January 1, 2017, or 1 year after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(5) Include interim dates in the schedule required under paragraph (4) for the:

(i) Issuance of purchase orders.

(ii) Start and completion of process, technology and control technology changes.

(iii) Completion of compliance testing.

(6) Include in the RACT proposal methods for demonstrating compliance and recordkeeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each air contamination source included in the RACT proposal.

(7) Demonstrate to the satisfaction of the Department or the appropriate approved local air pollution control agency that the proposed requirement or RACT emission limitation is RACT for the air contamination source.

(e) The Department or appropriate approved local air pollution control agency will:

(1) Review the timely and complete alternative RACT proposal submitted in accordance with subsection (d).

(2) Approve the alternative RACT proposal submitted under subsection (d), in writing, if the Department or appropriate approved local air pollution control agency is satisfied that the alternative RACT proposal complies with the requirements of subsection (d) and that the proposed alternative requirement or RACT emission limitation is RACT for the air contamination source.

(3) Deny or modify the alternative RACT proposal submitted under subsection (d), in writing, if the proposal does not comply with the requirements of subsection (d).

(f) The proposed alternative RACT requirement or RACT emission limitation and the implementation schedule submitted under subsection (d) will be approved, denied or modified by the Department or appropriate approved local air pollution control agency in accordance with subsection (e) in writing through the issuance of a plan approval or operating permit modification prior to the owner or operator implementing the alternative RACT requirement or RACT emission limitation.

(g) The emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to April 23, 2016, on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f), except to the extent the existing plan approval or operating permit contains more stringent requirements.

(h) The Department will submit each alternative RACT requirement or RACT emission limitation approved under subsection (f) to the Administrator of the EPA for approval as a revision to the SIP. The owner and operator of the facility shall bear the costs of public hearings and notifications, including newspaper notices, required for the SIP submittal.

(i) The owner and operator of a facility proposing to comply with the applicable RACT requirement or RACT emission limitation under subsection (a), (b) or (c) through the installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition requesting an alternative compliance schedule shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) October 24, 2016, for a source subject to § 129.96(a).

(ii) October 24, 2016, or 6 months after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The written petition must include:

(i) A description, including make, model and location, of each air contamination source subject to a RACT requirement or RACT emission limitation in one or more of subsections (a)—(c).

(ii) A description of the proposed air cleaning device to be installed.

(iii) A schedule containing proposed interim dates for completing each phase of the required work to install the air cleaning device described in subparagraph (ii).

(iv) A proposed interim emission limitation that will be imposed on the affected air contamination source until compliance is achieved with the applicable RACT requirement or RACT emission limitation.

(v) A proposed final compliance date that is as soon as possible but not later than 3 years after the approval of the petition by the Department or the appropriate approved local air pollution control agency. If the petition is for the replacement of an existing source, the final

compliance date will be determined on a case-by-case basis. The approved petition shall be incorporated in an applicable operating permit or plan approval.

(j) The Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (i) and approve or deny the petition in writing.

(k) The emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to April 23, 2016, on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j), except to the extent the existing plan approval or operating permit contains more stringent requirements.

(l) Approval or denial under subsection (j) of the timely and complete petition for an alternative compliance schedule submitted under subsection (i) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

**§ 129.100. Compliance demonstration and recordkeeping requirements.**

(a) Except as provided in subsection (c), the owner and operator of an air contamination source subject to a NO<sub>x</sub> requirement or RACT emission limitation or VOC requirement or RACT emission limitation, or both, listed in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the following monitoring or testing procedures:

(1) For an air contamination source with a CEMS, monitoring and testing in accordance with the requirements of Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) using a 30-day rolling average, except municipal waste combustors.

(i) A 30-day rolling average emission rate for an air contamination source that is a combustion unit shall be expressed in pounds per million Btu and calculated in accordance with the following procedure:

(A) Sum the total pounds of pollutant emitted from the combustion unit for the current operating day and the previous 29 operating days.

(B) Sum the total heat input to the combustion unit in million Btu for the current operating day and the previous 29 operating days.

(C) Divide the total number of pounds of pollutant emitted by the combustion unit for the 30 operating days by the total heat input to the combustion unit for the 30 operating days.

(ii) A 30-day rolling average emission rate for each applicable RACT emission limitation shall be calculated for an affected air contamination source for each consecutive operating day.

(iii) Each 30-day rolling average emission rate for an affected air contamination source must include the emis-

sions that occur during the entire operating day, including emissions from start-ups, shutdowns and malfunctions.

(2) For a Portland cement kiln with a CEMS, monitoring of clinker production rates in accordance with 40 CFR 63.1350(d) (relating to monitoring requirements).

(3) For a municipal waste combustor with a CEMS, monitoring and testing in accordance with the requirements in Chapter 139, Subchapter C, using a daily average.

(4) For an air contamination source without a CEMS, monitoring and testing in accordance with a Department-approved emissions source test that meets the requirements of Chapter 139, Subchapter A (relating to sampling and testing methods and procedures). The source test shall be conducted one time in each 5-year calendar period.

(b) Except as provided in § 129.97(k) and § 129.99(i) (relating to alternative RACT proposal and petition for alternative compliance schedule), the owner and operator of an air contamination source subject to subsection (a) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection (a) not later than:

(1) January 1, 2017, for a source subject to § 129.96(a) (relating to applicability).

(2) January 1, 2017, or 1 year after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(c) An owner or operator of an air contamination source subject to this section, §§ 129.96 and 129.97 and § 129.98 (relating to facility-wide or system-wide NO<sub>x</sub> emissions averaging plan general requirements) may request a waiver from the requirement to demonstrate compliance with the applicable emission limitation listed in § 129.97 if the following requirements are met:

(1) The request for a waiver is submitted, in writing, to the Department not later than:

(i) October 24, 2016, for a source subject to § 129.96(a).

(ii) October 24, 2016, or 6 months after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The request for a waiver demonstrates that a Department-approved emissions source test was performed in accordance with the requirements of Chapter 139, Subchapter A, on or after:

(i) April 23, 2015, for a source subject to § 129.96(a).

(ii) April 23, 2015, or within 12 months prior to the date that the source meets the definition of a major NO<sub>x</sub> emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(3) The request for a waiver demonstrates to the satisfaction of the Department that the test results show that the source's rate of emissions is in compliance with the source's applicable NO<sub>x</sub> emission limitation or VOC emission limitation.

(4) The Department approves, in writing, the request for a waiver.

(d) The owner and operator of an air contamination source subject to this section and §§ 129.96—129.99 shall



keep records to demonstrate compliance with §§ 129.96—129.99 in the following manner:

(1) The records must include sufficient data and calculations to demonstrate that the requirements of §§ 129.96—129.99 are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(e) Beginning with the compliance date specified in § 129.97(a), the owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable NO<sub>x</sub> emission rate threshold specified in § 129.99(b) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

(f) Beginning with the compliance date specified in § 129.97(a), the owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable VOC emission rate threshold specified in § 129.99(c) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

(g) The owner or operator of a combustion unit subject to § 129.97(b) shall record each adjustment conducted

under the procedures in § 129.97(b). This record must contain, at a minimum:

(1) The date of the tuning procedure.

(2) The name of the service company and the technician performing the procedure.

(3) The final operating rate or load.

(4) The final NO<sub>x</sub> and CO emission rates.

(5) The final excess oxygen rate.

(6) Other information required by the applicable operating permit.

(h) The owner or operator of a Portland cement kiln subject to § 129.97(h) shall maintain a daily operating log for each Portland cement kiln. The record for each kiln must include:

(1) The total hours of operation.

(2) The type and quantity of fuel used.

(3) The quantity of clinker produced.

(4) The date, time and duration of a start-up, shutdown or malfunction of a Portland cement kiln or emissions monitoring system.

(i) The records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

[Pa.B. Doc. No. 16-694. Filed for public inspection April 22, 2016, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective April 4, 2016.

The organization chart at 46 Pa.B. 2066 (April 23, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-695. Filed for public inspection April 22, 2016, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Office of Inspector General

The Executive Board approved a reorganization of the Office of Inspector General effective April 4, 2016.

The organization chart at 46 Pa.B. 2069 (April 23, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-697. Filed for public inspection April 22, 2016, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Human Services

The Executive Board approved a reorganization of the Department of Human Services effective April 4, 2016.

The organization chart at 46 Pa.B. 2067 (April 23, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-696. Filed for public inspection April 22, 2016, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Pennsylvania State Police

The Executive Board approved a reorganization of the Pennsylvania State Police effective April 8, 2016.

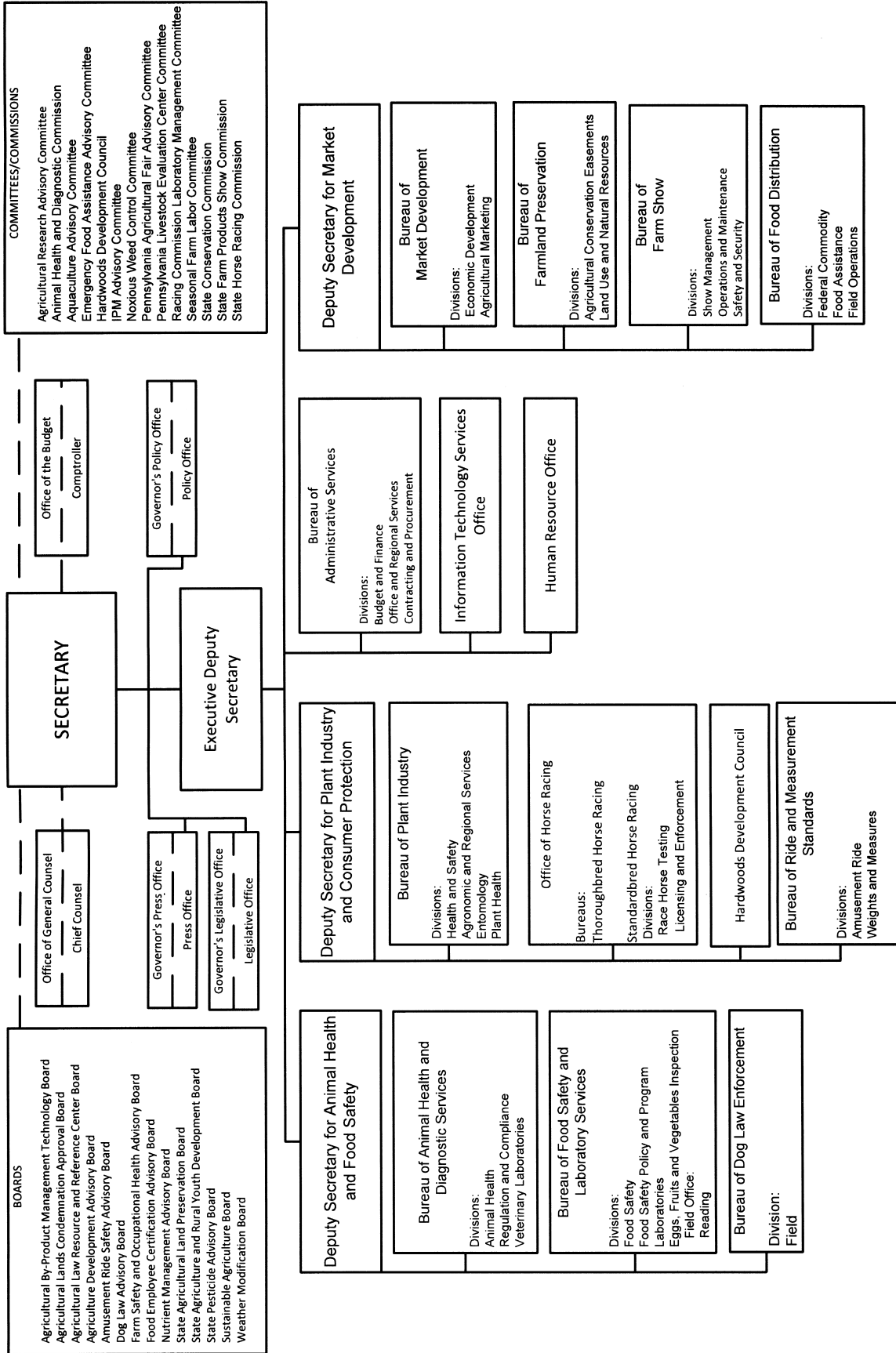
The organization chart at 46 Pa.B. 2070 (April 23, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

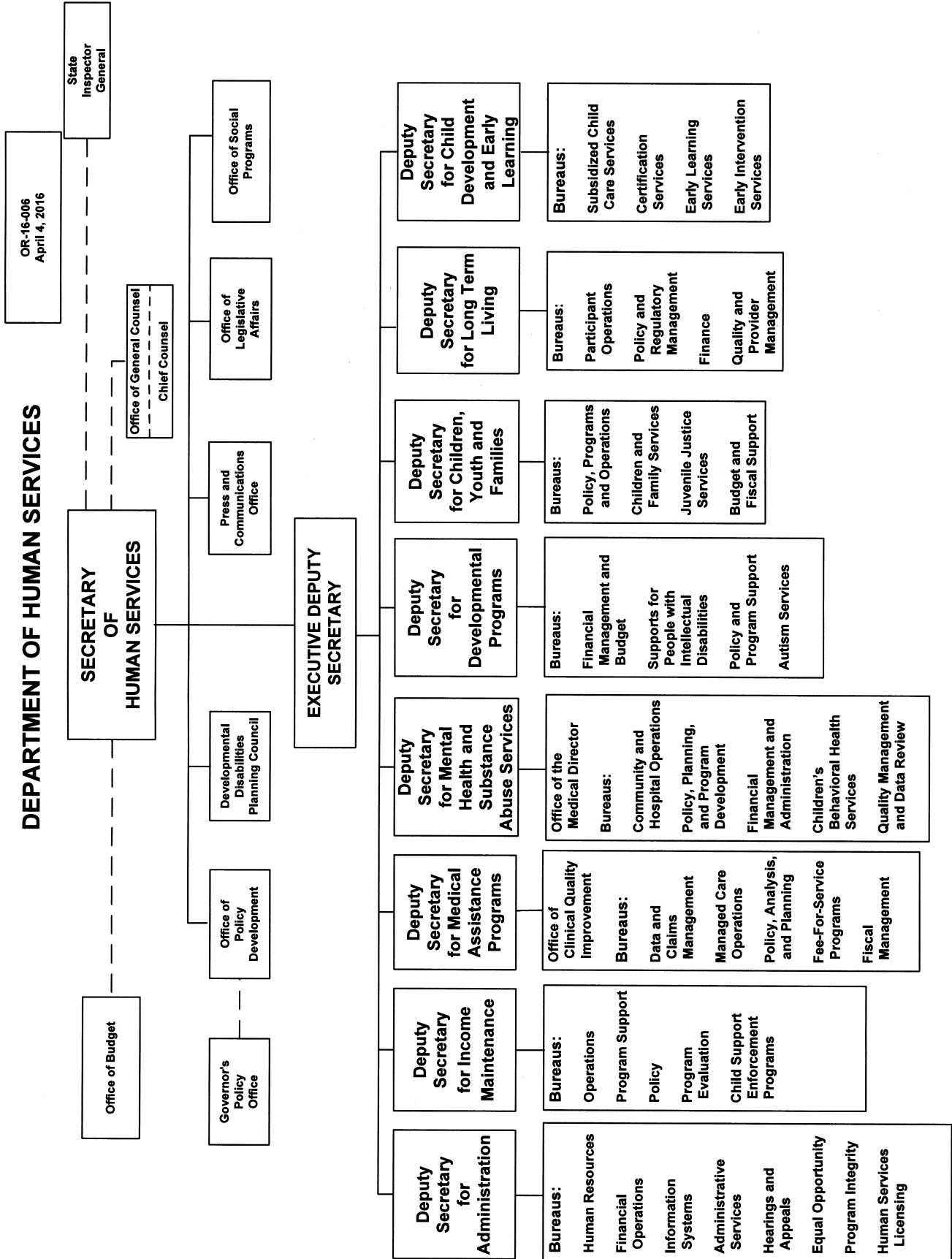
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 16-698. Filed for public inspection April 22, 2016, 9:00 a.m.]

OR-16-005  
April 4, 2016

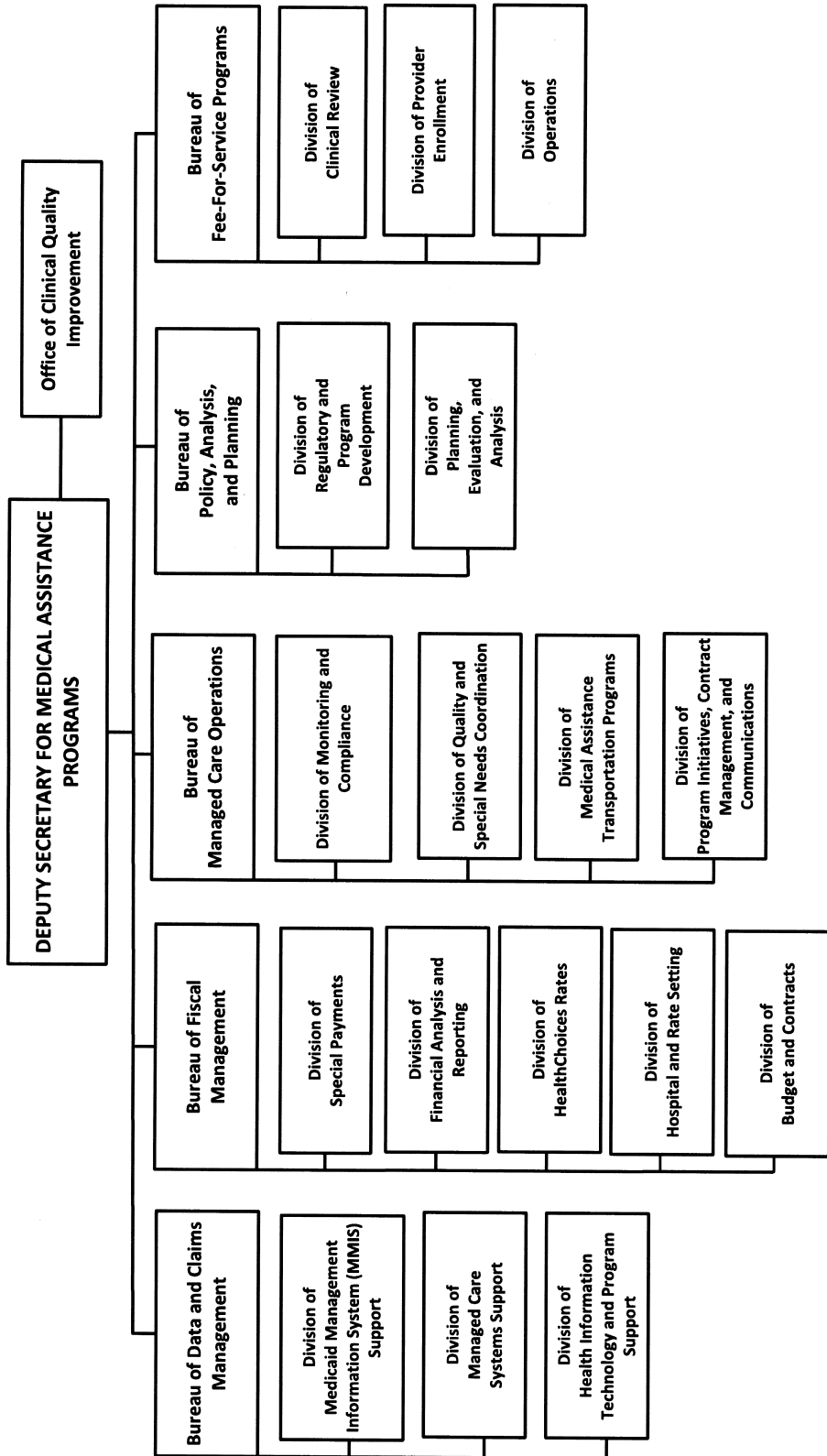
DEPARTMENT OF AGRICULTURE





**DEPARTMENT OF HUMAN SERVICES  
DEPUTY SECRETARY FOR MEDICAL ASSISTANCE PROGRAMS**

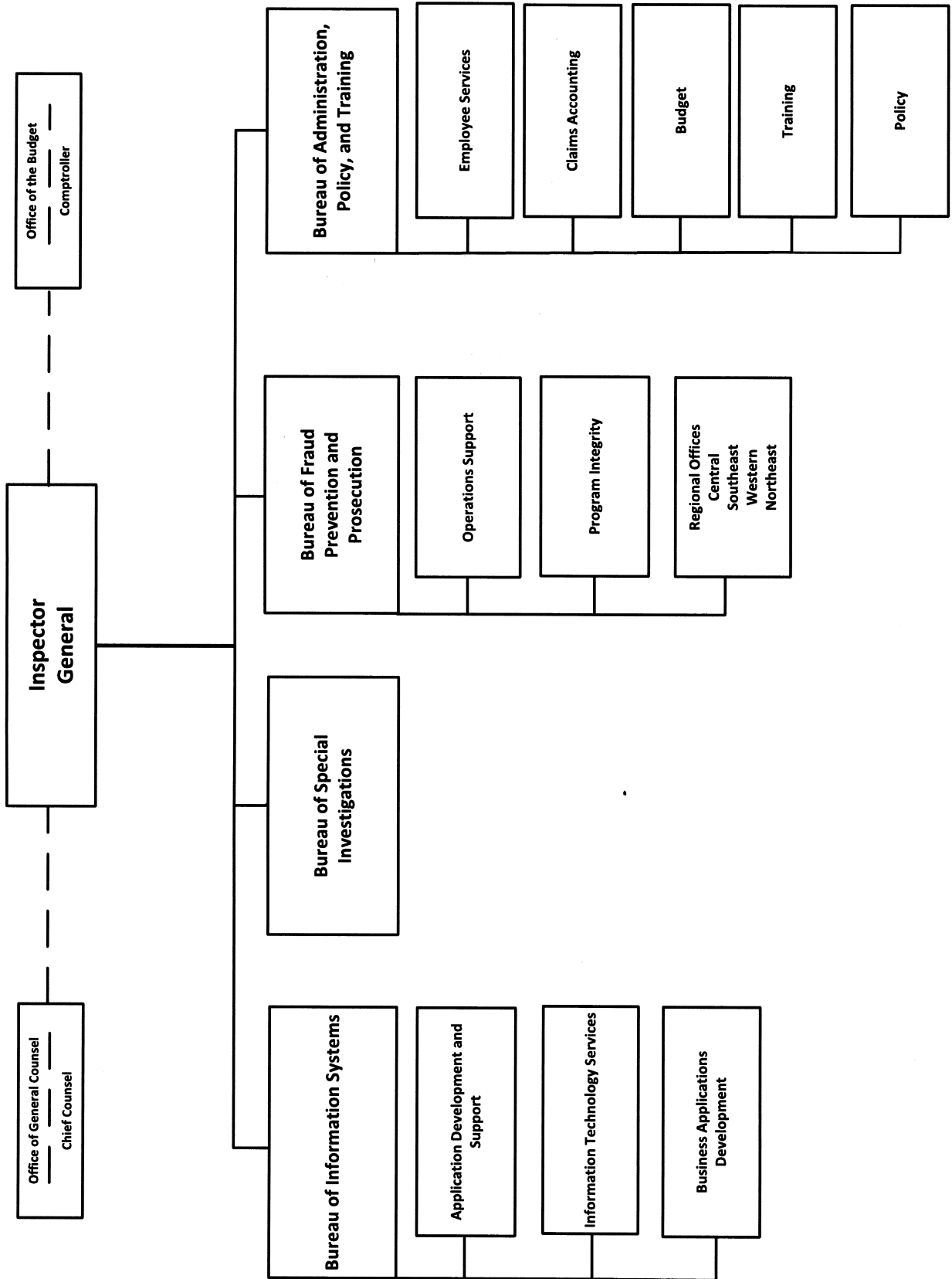
OR-16-006  
April 4, 2016



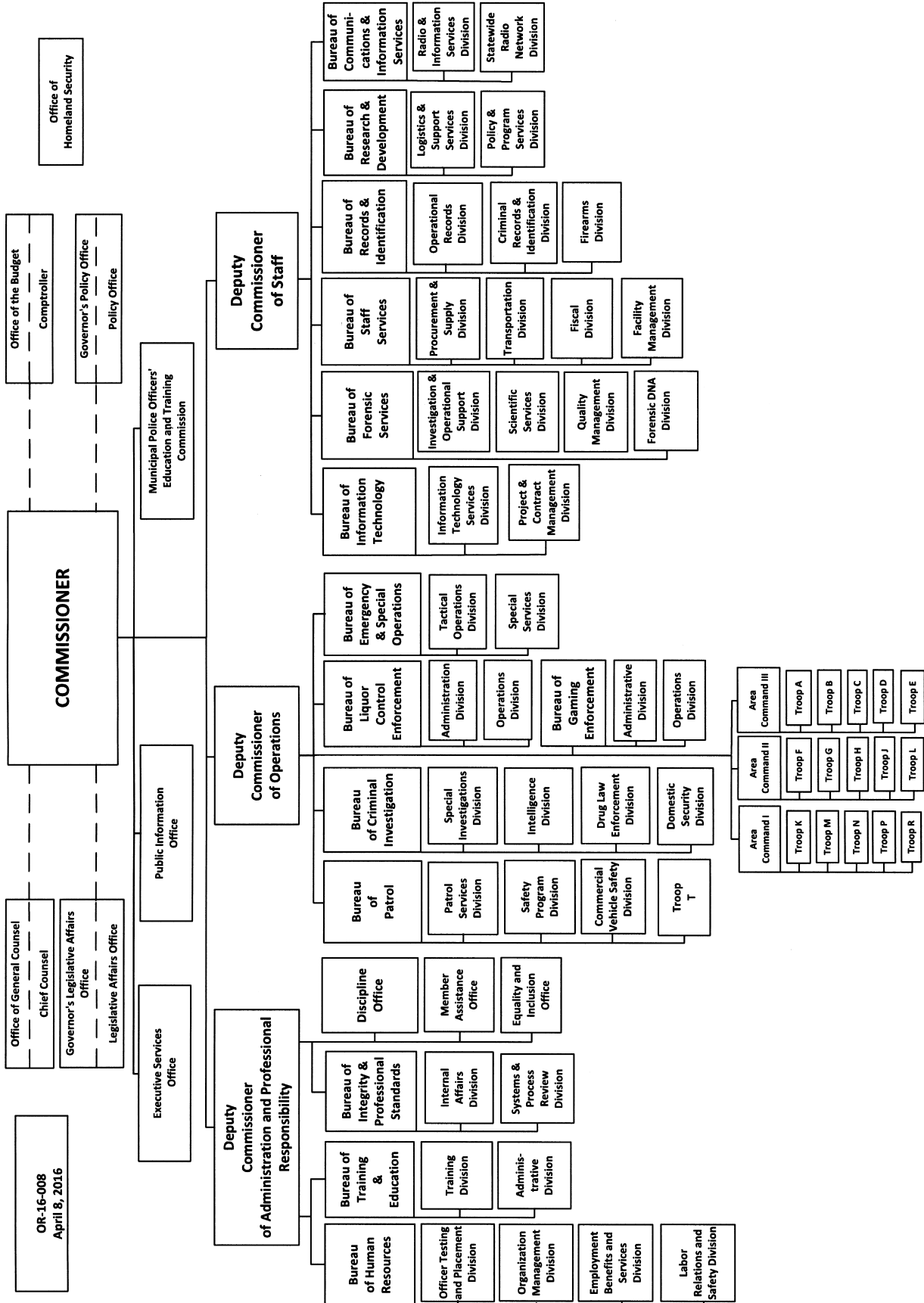


OR-16-007  
April 4, 2016

OFFICE OF INSPECTOR GENERAL



PENNSYLVANIA STATE POLICE



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Seed Testing and Seed Certification Fees

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 7109 (relating to fees), establishes the following adjustment of fees for seed testing and seed certification services:

<i>Seed Kind</i>	<i>Old Fees</i>			<i>New Fees</i>		
	<i>Purity</i>	<i>Germ</i>	<i>Both</i>	<i>Purity</i>	<i>Germ</i>	<i>Both</i>
Alfalfa, Clovers	\$9.00	\$7.00	\$15.00	\$17.00	\$15.00	\$32.00
Alkaligrass	\$20.00	\$10.00	\$28.00	\$29.00	\$23.00	\$52.00
Beans	\$8.00	\$8.00	\$15.00	\$17.00	\$15.00	\$32.00
Beans, Fava	Previously not listed			\$17.00	\$15.00	\$32.00
Beans, Lima	\$8.00	\$9.00	\$16.00	\$17.00	\$15.00	\$32.00
Beet	\$10.00	\$7.00	\$16.00	\$17.00	\$25.00	\$42.00
Bentgrass, Redtop	\$19.00	\$10.00	\$28.00	\$29.00	\$23.00	\$52.00
Bermudagrass	Previously not listed			\$23.00	\$19.00	\$42.00
Birdsfoot Trefoil, Crownvetch	\$10.00	\$8.00	\$17.00	\$17.00	\$15.00	\$32.00
Bluestems	\$33.00	\$10.00	\$42.00	\$45.00	\$25.00	\$70.00
Bromes	\$15.00	\$9.00	\$23.00	\$23.00	\$19.00	\$42.00
Bromes, Deertongue grass	\$15.00	\$9.00	\$23.00	Separated into different categories		
Corn, Peas	\$6.00	\$8.00	\$13.00	\$17.00	\$15.00	\$32.00
Deertongue grass	\$15.00	\$9.00	\$23.00	\$22.00	\$17.00	\$37.00
Fescues (excluding Tall Fescue)	\$13.00	\$9.00	\$21.00	\$23.00	\$19.00	\$42.00
Gamagrass	\$20.00	\$10.00	\$28.00	\$29.00	\$23.00	\$52.00
Indiangrass	\$20.00	\$10.00	\$28.00	\$29.00	\$23.00	\$52.00
Kentucky bluegrass— <i>Poa</i> spp.	\$19.00	\$10.00	\$28.00	\$29.00	\$23.00	\$52.00
Lovegrass	\$12.00	\$9.00	\$20.00	\$23.00	\$19.00	\$42.00
Millet	\$11.00	\$8.00	\$18.00	\$20.00	\$17.00	\$37.00
Oats (including fluorescence test)	\$10.00	\$7.00	\$16.00	\$20.00	\$17.00	\$37.00
Orchardgrass	\$15.00	\$9.00	\$23.00	\$23.00	\$19.00	\$42.00
Radish, Forage	Previously not listed			\$20.00	\$17.00	\$37.00
Reed Canarygrass	\$11.00	\$8.00	\$18.00	\$20.00	\$17.00	\$37.00
Ryegrass	\$11.00	\$8.00	\$18.00	\$20.00	\$17.00	\$37.00
Ryegrass (with fluorescence)	\$11.00	\$13.00	\$23.00	\$23.00	\$19.00	\$42.00
Sedges	\$20.00	\$10.00	\$28.00	\$29.00	\$23.00	\$52.00
Soybeans, Flatpea	\$8.00	\$9.00	\$16.00	\$17.00	\$15.00	\$32.00
Small Grains (oats without fluorescence)	\$9.00	\$7.00	\$15.00	\$17.00	\$15.00	\$32.00
Sorghums, Sudangrass	\$10.00	\$8.00	\$17.00	\$20.00	\$17.00	\$37.00
Swiss Chard	\$10.00	\$7.00	\$16.00	\$17.00	\$25.00	\$42.00
Switchgrass	\$12.00	\$9.00	\$20.00	\$20.00	\$17.00	\$37.00
Tall Fescue	\$13.00	\$9.00	\$21.00	\$20.00	\$17.00	\$37.00
Teff	Previously not listed			\$23.00	\$19.00	\$42.00
Timothy	\$9.00	\$7.00	\$15.00	\$17.00	\$15.00	\$32.00
Tobacco	\$10.00	\$8.00	\$17.00	\$17.00	\$15.00	\$32.00
Vetch	\$8.00	\$8.00	\$15.00	\$17.00	\$15.00	\$32.00
Wheatgrass	Previously not listed			\$23.00	\$19.00	\$42.00
Wild Barley	Previously not listed			\$23.00	\$19.00	\$42.00
Wildrye	Previously not listed			\$23.00	\$19.00	\$42.00
Flowers	\$10.00	\$8.00	\$17.00	\$17.00	\$15.00	\$32.00
Flower mixes—Germination only		\$8.00/ component			\$15.00/ component	
Vegetables (except Beans, Beet, Peas, Corn, Swiss Chard)	\$10.00	\$7.00	\$16.00	\$17.00	\$15.00	\$32.00
Trees, Forbs and Shrubs	\$10.00	\$11.00	\$20.00	\$17.00	\$15.00	\$32.00
Pit removal = hourly rate with embryo excision		Hourly rate	\$30.00/hr.		Hourly rate	\$30.00/hr.
pit removal		Hourly rate	\$30.00/hr.		Hourly rate	\$30.00/hr.

<i>Seed Kind</i>	<i>Purity</i>	<i>Old Fees</i>			<i>Purity</i>	<i>New Fees</i>	
		<i>Germ</i>	<i>Both</i>	<i>Germ</i>		<i>Both</i>	
<b>Mixtures</b>							
Lawn and Turf:							
Two components	\$28.00	\$30.00	\$52.00	\$45.00	\$36.00	\$72.00	
Three components	\$38.00	\$40.00	\$67.00	\$60.00	\$51.00	\$102.00	
Four components	\$48.00	\$50.00	\$82.00	\$75.00	\$66.00	\$132.00	
Each additional component	\$10.00	\$10.00	\$15.00	\$15.00	\$15.00	\$30.00	
Pasture, Hay, Conservation:							
Two components	\$15.00	\$18.00	\$31.00	\$40.00	\$30.00	\$60.00	
Three components	\$25.00	\$28.00	\$46.00	\$55.00	\$45.00	\$90.00	
Four components	\$35.00	\$38.00	\$61.00	\$70.00	\$60.00	\$120.00	
Each additional component	\$10.00	\$10.00	\$15.00	\$15.00	\$15.00	\$30.00	
Vegetable:							
Two components		Previously not listed		\$34.00	\$30.00	\$58.00	
Three components		Previously not listed		\$55.00	\$45.00	\$90.00	
Four components		Previously not listed		\$70.00	\$60.00	\$120.00	
Each additional component		Previously not listed		\$15.00	\$15.00	\$30.00	
<b>Miscellaneous Charges</b>							
Interstate Noxious Weed Exam:							
Lawn and Turf			\$20.00			\$35.00	
Lawn and Turf without purity			\$40.00			Removed	
All others			\$20.00			\$25.00	
Pennsylvania noxious exam:							
Lawn and Turf			\$25.00			\$20.00	
All others			\$20.00			\$15.00	
Cold test			\$20.00			\$30.00	
Canada Standards			\$20.00			\$20.00	
Sand/Soil test			\$20.00			\$30.00	
Trait Testing (GMO)			\$25.00			\$35.00	
Seed Treatment			\$20.00			Removed	
Identification			\$5.00			\$10.00	
Embryo Excision			\$30.00			Removed	
Washing coated, pelleted or treated seed			Previously not listed			\$15.00	
Seed Count test			Previously not listed			\$10.00	
Rush			\$10.00			\$20.00	
Extra Lab report			\$2.00			\$5.00	
Tests not listed, special procedures—1 hr. Min.			\$30.00/hr.			\$30.00/hr.	
TZ—1 hr. Min.			\$30.00/hr.			\$30.00/hr.	
<b>Native Warm Season Mixes/Conservation Mixes</b>							
Those mixes that are composed primarily of warm season native species not normally used for forage or pasture							
Two components	\$30.00	\$30.00	\$59.00	\$50.00	\$40.00	\$80.00	
Three components	\$45.00	\$45.00	\$84.00	\$65.00	\$55.00	\$120.00	
Each additional	\$15.00	\$15.00	\$25.00	\$15.00	\$15.00	\$30.00	

**Certification Fees**

<b>Application Fee</b>	<i>Old Fees</i>		<i>No Changes Made to Certification Fees</i>	
Field Inspection Fees	\$30.00		\$30.00	
Potatoes	\$10.00	per A	\$10.00	per A
Prenuclear Potatoes	\$0.15	per ft. <sup>2</sup>	\$0.15	per ft. <sup>2</sup>
Tobacco	\$75.00	min.	\$75.00	min.
Small Grains	\$3.00	per A	\$3.00	per A
Soybeans	\$3.00	per A	\$3.00	per A
Hybrid Field Corn	\$9.00	per A	\$9.00	per A
Grasses, Legumes	\$3.00	per A	\$3.00	per A



	<i>Old Fees</i>		<i>No Changes Made to Certification Fees</i>	
Turfgrass Sod	\$5.00	per A (preplant)	\$5.00	per A (preplant)
Trees	\$7.00	per A (harvest)	\$7.00	per A (harvest)
	Total actual cost		Total actual cost	
<b>Tag Fees</b>				
Certified Seed	\$0.12	per ea.	\$0.12	per ea.
I/A Certified Seed	\$0.15	per ea.	\$0.15	per ea.
Certified Sod	\$0.25	per ea.	\$0.25	per ea.
Certified Potatoes	\$0.12	per ea.	\$0.12	per ea.
<b>Miscellaneous Fees</b>				
Potato Shipping Insp.	\$35.00		\$35.00	
Grass, Legume Prod.	\$0.05	per lb.	\$0.05	per lb.
Cert. Mix Supervision	\$25.00	per 1,000 lbs.	\$25.00	per 1,000 lbs.
Sampling each component	\$25.00		\$25.00	

*Further Information*

Further information is available by contacting Johnny Zook, Seed Program Supervisor, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4894.

*Effective Date*

These seed testing and seed certification fees are effective 60 days from publication of this notice, and shall remain effective until further notice. Notice of these fee changes will be provided to all licensed seed distributors and seed laboratory customers.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 16-699. Filed for public inspection April 22, 2016, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 12, 2016.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-8-2016	Univest Bank & Trust Company Souderton Montgomery County	5089 Hamilton Boulevard Allentown Lehigh County	Approved
4-8-2016	Hometown Bank of Pennsylvania Bedford Bedford County	13174 Dunnings Highway Claysburg Blair County	Approved
4-12-2016	Clarion County Community Bank Clarion Clarion County	1272 Elk Street Franklin Venango County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-8-2016	Muncy Bank & Trust Company (The) Muncy Lycoming County	7520 South Route 220 Highway Linden Lycoming County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-1-2016	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	100 Front Street West Conshohocken Montgomery County	Closed

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-12-2016	TruMark Financial Credit Union Trevose Bucks County  Application for approval to merge Keystone Federal Credit Union, West Chester, with and into TruMark Financial Credit Union, Trevose.	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*

[Pa.B. Doc. No. 16-700. Filed for public inspection April 22, 2016, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed

discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0040444 (Sewage)	Pocono Mountain School District Swiftwater Campus PO Box 200 Swiftwater, PA 18370-200	Monroe County Pocono Township	Swiftwater Creek (1-E)	Yes
PAS212216 (Stormwater)	Berks Products Nazareth Ready Mix Concrete Plant 3110 Bath Pike Nazareth, PA 18064	Northampton County Upper Nazareth Township	Unnamed Tributary to East Branch Monocacy Creek (2-C)	Yes

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

<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>
PA0228869 (Sewage)	PA DCNR Kettle Creek State Park 97 Kettle Creek Park Lane Renovo, PA 17764-9400	Clinton County Leidy Township	Kettle Creek (9-B)	Yes
PA0112941 (Industrial)	Emporium Forging Company Plant 221 E 2nd Street Emporium, PA 15834-1306	Cameron County Emporium Borough	Driftwood Branch Sinnemahoning Creek (8-A)	Yes
PA0045969 (Industrial Waste)	Sunoco Partners Marketing & Terminals L.P. 1314 Point Township Drive Northumberland, PA 17857	Northumberland County Point Township	Unnamed Tributary of Susquehanna River (5-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035882 (Sewage)	Placid Manor MHP STP Edna Road Adamsburg, PA 15611	Westmoreland County Hempfield Township	Unnamed Tributary of Little Sewickley Creek (19-D)	Y
PA0216992 (Sewage)	Yatesboro WWTP Route 85 Yatesboro, PA 16263	Armstrong County Cowanshannock Township	Cowanshannock Creek (17-E)	Y
PA0216852 (Sewage)	TRC Estates STP Wen Dell Lane Ruffsedale, PA 15679	Westmoreland County East Huntingdon Township	Buffalo Run (19-D)	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0093840 (Sewage)	Round Hill Park STP 651 Round Hill Road Elizabeth, PA 15037	Allegheny County Elizabeth Township	Douglass Run (19-D)	Y
PA0217867 (Sewage)	Residential Resources Southwest STP 6383 Tuscarawas Road Midland, PA 15059	Beaver County Ohioville Borough	Unnamed Tributary to Upper Dry Run (20-B)	Y

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

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

**PA0053651**, Industrial, SIC Code 3356, **Johnson Matthey Inc.**, 1401 King Road, West Chester, PA 19380-1467. Facility Name: Johnson Matthey GWCU. This existing facility is located in West Whiteland Township, **Chester County**.

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

The receiving stream(s), Valley Creek, is located in State Water Plan watershed 3-H and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Instantaneous Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Trichloroethylene Influent	XXX	XXX	XXX	Report	XXX	XXX
Trichloroethylene	XXX	XXX	XXX	0.01	0.02	0.025

The proposed effluent limits for Outfall 002 are based on an average stormwater flow.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on an average stormwater flow.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Requirement
- D. BAT/ELG Reopener
- E. Small Stream Discharge
- F. Test Method
- G. TMDL/WLA Analysis
- H. Groundwater Monitoring
- I. Stripper Tower Cleaning Water Discharge
- J. Stormwater Outfall Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

**PA0050431A1**, Industrial, SIC Code 2086, **Cott Beverages Inc.**, 4506 East Acline Drive E, Tampa, FL 33605. Facility Name: Cott Beverages IWTP. This existing facility is located in Concord Township, **Delaware County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Chester Creek, is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.358 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Dissolved Solids	2,986.0	5,971.0	XXX	1,000.0	2,000.0	2,500
Oil and Grease	44.8	89.6	XXX	15.0	XXX	30.0
		IMAX				

The proposed effluent limits for Outfall 101 are based on a design flow of 0.07 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	0.75
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	12.0	24.0	XXX	20.0	40.0	50
Total Suspended Solids	18.0	36.0	XXX	30.0	60.0	75
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.5	7.0	XXX	6.0	12.0	15
May 1 - Oct 31	1.2	2.4	XXX	2.0	4.0	5
Total Phosphorus	1.2	2.4	XXX	2.0	4.0	5

The proposed effluent limits for Outfall 201 are based on a design flow of 0.288 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	24.0	48.0	XXX	10.0	20.0	25
Total Suspended Solids	24.0	48.0	XXX	10.0	20.0	25
Total Nitrogen	12.0	24.0	XXX	5.0	10.0	12.5
Ammonia-Nitrogen						
Nov 1 - Apr 30	14.4	28.8	XXX	6.0	12.0	15
May 1 - Oct 31	4.8	9.6	XXX	2.0	4.0	5
Total Phosphorus	1.2	2.4	XXX	0.5	1.0	1.25
Antimony, Total	XXX	XXX	XXX	Report	XXX	XXX
Arsenic, Total	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	0.0019	0.0038	XXX	0.0008	0.0016	0.002
Chromium, Hexavalent	0.024	0.048	XXX	0.01	0.02	0.025
Cobalt, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX
Fluoride, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Mercury, Total	XXX	XXX	XXX	Report	XXX	XXX
Selenium, Total	XXX	XXX	XXX	Report	XXX	XXX
Thallium, Total	XXX	XXX	XXX	Report	XXX	XXX
Phenolics, Total	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Conditions
- D. BAT/ELG Reopener
- E. Chlorine Optimization
- F. Small Stream Discharge
- G. 2° Change in the Temperature
- H. Chemical Additives Condition
- I. Stormwater Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0026182**, Sewage, SIC Code 4952, **Lansdale Borough Montgomery County**, 1 Vine Street, Lansdale, PA 19446-3601. Facility Name: Lansdale Borough STP & Sewer System. This existing facility is located in Lansdale Borough, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average flow of 3.2 MGD and a maximum monthly flow of 4.5 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Max XXX	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.013	XXX	0.043
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30	826	1,238	XXX	22	33	44
May 1 - Oct 31	413	638	XXX	11	Wkly Avg 17	22
Biochemical Oxygen Demand (BOD <sub>5</sub> )					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,126	1,689	XXX	30	45	60
Total Dissolved Solids	Report	XXX	XXX	1,000.0	XXX	1,500
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	356	XXX	XXX	9.5	XXX	19
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	169	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	56	XXX	XXX	1.5	XXX	3
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	70	XXX	XXX	1.86	XXX	3.72
Apr 1 - Oct 31	35	XXX	XXX	0.93	XXX	1.86
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Acute—Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Chlorodibromomethane (Interim)	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane (Interim)	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chloroform (Interim)	XXX	XXX	XXX	Report	Report	XXX
Chlorodibromomethane (Final)	XXX	XXX	XXX	0.0005	0.0010	XXX
Dichlorobromomethane (Final)	XXX	XXX	XXX	0.0007	0.0014	XXX
Chloroform (Final)	XXX	XXX	XXX	0.007	0.014	XXX

The proposed effluent limits for Outfall 002 are based on a combined sewer overflow.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a combined sewer overflow.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a storm event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater to Sewers
- Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Dosages
- Small Stream Discharge
- Designation of Responsible Operator
- Fecal Coliform Reporting Requirements
- TRE (Toxics Reduction Evaluation) Requirements
- Whole Effluent Toxicity Requirements
- TRC Reporting
- Stormwater Monitoring
- Combined Sewer Overflow



You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

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

**PA0008087**, Industrial, SIC Code 2066, **Hershey Co.**, 19 E Chocolate Avenue, Hershey, PA 17033-1314. Facility Name: Hershey Foods East offices. This existing facility is located in Derry Township, **Dauphin County**.

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

The receiving stream(s), Spring Creek, is located in State Water Plan watershed 7-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 4.26 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Daily Average	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Temperature (deg F) (°F)						
Jan 1 - 31	XXX	XXX	XXX	56	Report	XXX
Feb 1 - 29	XXX	XXX	XXX	56	Report	XXX
Mar 1 - 31	XXX	XXX	XXX	60	Report	XXX
Apr 1 - 30	XXX	XXX	XXX	64	Report	XXX
May 1 - 31	XXX	XXX	XXX	71	Report	XXX
Jun 1 - 30	XXX	XXX	XXX	73	Report	XXX
Jul 1 - 31	XXX	XXX	XXX	78	Report	XXX
Aug 1 - 31	XXX	XXX	XXX	77	Report	XXX
Sep 1 - 30	XXX	XXX	XXX	75	Report	XXX
Oct 1 - 31	XXX	XXX	XXX	70	Report	XXX
Nov 1 - 30	XXX	XXX	XXX	64	Report	XXX
Dec 1 - 31	XXX	XXX	XXX	54	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Tetrachloroethylene						
Nov 1 - Apr 30	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

The EPA Waiver is in effect.

**PA0266353**, Sewage, SIC Code 6514, **Chad M Baughman**, 317 Steelstown Road, Newville, PA 17241. Facility Name: Baughman SRSTP. This proposed facility is located in Upper Mifflin Township, **Cumberland 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 Whisky Run, is located in State Water Plan watershed 7-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

**PA0232734**, Sewage, SIC Code 4952, **Timothy L. Lutz**, 794 E. Ridge Road, Sunbury, PA 17801-5219. Facility Name: Timothy L. Lutz Residence. This proposed facility is located in Lower Augusta Township, **Northumberland 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 Hallowing Run, is located in State Water Plan watershed 6-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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.

**PA0010031**, Industrial, SIC Code 4911, **NRG REMA LLC**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817. Facility Name: Shawville Station. This existing facility is located in Bradford Township, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed monitoring requirements for Outfall 001 are:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Outfall 002 are:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Outfall 003 are:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits and monitoring requirements for Outfall 005 are based on a design flow of 3.445 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	31.89	63.78	XXX	1.11	2.22	2.77
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
Iron, Total	19.74	39.48	XXX	1.80	3.6	4.5
Manganese, Total	23.03	46.06	XXX	2.1	4.2	5.3
Mercury, Total (µg/L)	0.016	0.032	XXX	0.56	1.12	1.4
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	8.57	17.1	XXX	0.30	0.60	0.8
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements for Outfall 009 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Outfall 010 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Outfall 012 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for IMP 101 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed monitoring requirements for IMP 102 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed monitoring requirements for IMP 201 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits and monitoring requirements for IMP 205 are based on a design flow of 0.018 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	3.7	XXX	XXX	25	XXX	50
Total Suspended Solids	4.5	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits and monitoring requirements for IMP 405 are based on a design flow of 3.427 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	325	XXX	XXX	30	XXX	50
Oil and Grease	163	217	XXX	15	20	30
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Chromium, Total	3.45	3.45	XXX	0.12	0.12	0.12
Zinc, Total	17.26	17.26	XXX	0.05	0.05	0.05



The proposed effluent limits and monitoring requirements for IMP 605 are based on a design flow of 2.07 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Free Available Chlorine	XXX	XXX	XXX	0.20	XXX	0.50
Chromium, Total	3.45	3.45	XXX	0.2	0.2	XXX
Zinc, Total	17.26	17.26	XXX	1.0	1.0	XXX

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 not in effect.

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

**PA0264121**, Storm Water, SIC Code 3471, **Korns Galvanizing Co. Inc.**, 75 Bridge Street, Johnstown, PA 15902-2902. Facility Name: Korns Galvanizing Plant. This proposed facility is located in Johnstown City, **Cambria County**.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge of Industrial Stormwater.

The receiving stream(s), Stonycreek River, is located in State Water Plan watershed 18-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and 002 are for discharge of stormwater.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Daily	Minimum	Daily	Instant. Maximum	
	Monthly	Maximum		Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is not in effect.

**PA0203955**, Sewage, **84 Lumber Co.**, 1019 Rte 519, Eighty Four, PA 15330. Facility Name: 84 Lumber Co. STP. This existing facility is located in North Strabane Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Average	Average Monthly	Geometric	Instant. Maximum	
	Monthly	Weekly		Mean		Maximum
Flow (MGD)	0.025	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
			Min			
Total Residual Chlorine (TRC)	XXX	XXX	0.5	XXX	XXX	1.6
			Min			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	25.0	XXX	XXX	50.0
Total Suspended Solids	XXX	XXX	30.0	XXX	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Oct 1 - Apr 30		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	Report	XXX	XXX	Report

Parameters	Mass Units (lbs/day)		Average Monthly	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Geometric Mean	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	9.0	XXX	XXX	18.0
May 1 - Oct 31	XXX	XXX	3.0	XXX	XXX	6.0
Total Phosphorus	XXX	XXX	6.0	XXX	XXX	12.0

The EPA Waiver is not in effect.

**PA0095443**, Industrial, SIC Code 1389, **Fluid Recovery Service LLC**, PO Box 232, Creekside, PA 15732. Facility Name: Frs Creekside Facility. This existing facility is located in Washington Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated oil and gas wastewater.

The receiving stream(s), McKee Run, is located in State Water Plan watershed 17-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Footnote 1—The pollutant was reported as being not detectable below a concentration that is higher than the target quantitative level. FRS has the option to resample for this pollutant during the public comment period to demonstrate that the pollutant is not present. If the pollutant is demonstrated to be not present in the discharge through additional sampling then this limit may be removed from the permit or may be replaced by a less stringent technology based effluent limitation.

The following proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD and will be in effect from the Permit Effective Date through 36 months after Permit Effective Date or Permanent Treatment Installation (whichever is first).

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	0.018	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	53.0	163.0	204
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	4,128	Report	5,879
Oil and Grease	Report	Report	XXX	15	XXX	30
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Acidity, Total (as CaCO <sub>3</sub> )	Report	Report	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	Report	Report	Report	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> ) Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Antimony, Total	Report	Report	XXX	0.206	0.249	0.515
Arsenic, Total	Report	Report	XXX	0.104	0.162	0.26
Barium, Total	Report	Report	XXX	13.78	27.56	34.45
Cadmium, Total	Report	Report	XXX	0.0102	0.0172	0.0255
Chromium, Total	Report	Report	XXX	0.323	0.746	0.808
Cobalt, Total	Report	Report	XXX	0.124	0.192	0.31
Copper, Total	Report	Report	XXX	0.242	0.5	0.605
Cyanide, Free	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	3.5	7.0	7
Lead, Total	Report	Report	XXX	0.160	0.350	0.4
Manganese, Total	Report	Report	XXX	2.0	4.0	4
Mercury, Total	Report	Report	XXX	0.000739	0.00234	0.00293
Nickel, Total	Report	Report	XXX	1.45	3.95	4.94
Selenium, Total	Report	Report	XXX	Report	Report	XXX
Silver, Total	Report	Report	XXX	0.0351	0.120	0.15
Strontium, Total	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Uranium, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	Report	Report	XXX	Report	Report	XXX
Tin, Total	Report	Report	XXX	0.12	0.335	0.419
Titanium, Total (as Ti)	Report	Report	XXX	0.0618	0.0947	0.155
Vanadium, Total	Report	Report	XXX	0.0662	0.218	0.273
Zinc, Total	Report	Report	XXX	0.420	0.497	1.05
o-Cresol	Report	Report	XXX	0.561	1.92	2.4
3,3-Dichlorobenzidine	Report	Report	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.265
Phenol	Report	Report	XXX	1.08	3.65	4.56
Acetone	Report	Report	XXX	7.97	30.2	37.8
Acetophenone	Report	Report	XXX	0.0562	0.114	0.141
Acrolein	Report	Report	XXX	Report	Report	XXX
Acrylonitrile	Report	Report	XXX	Report	Report	XXX
1,3-Dichloropropylene	Report	Report	XXX	Report	Report	XXX
Ethylbenzene	Report	Report	XXX	Report	Report	XXX
Benzene	Report	Report	XXX	0.02	0.05	0.0625
Butyl Benzyl Phthalate	Report	Report	XXX	0.0887	0.188	0.222
BTEX, Total	XXX	XXX	XXX	0.1	0.25	0.3125
Carbon Tetrachloride	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
2-Butanone	Report	Report	XXX	1.85	4.81	6.01
1,1,1,2-Tetrachloroethane	Report	Report	XXX	Report	Report	XXX
Bis(2-Chloroethyl)Ether	Report	Report	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate	Report	Report	XXX	0.101	0.215	0.253
Fluoranthene	Report	Report	XXX	0.0268	0.0537	0.067
Hexachlorobutadiene	Report	Report	XXX	Report	Report	XXX
Hexachlorocyclopentadiene	Report	Report	XXX	Report	Report	XXX
Carbazole	Report	Report	XXX	0.276	0.598	0.69
n-Decane	Report	Report	XXX	0.437	0.948	1.09
n-Octadecane	Report	Report	XXX	0.302	0.589	0.755
p-Cresol	Report	Report	XXX	0.205	0.698	0.873
Pyridine	Report	Report	XXX	0.182	0.370	0.455
Toluene	Report	Report	XXX	Report	Report	XXX
Xylenes, Total	Report	Report	XXX	Report	Report	XXX
Vinyl Chloride	Report	Report	XXX	Report	Report	XXX
Gross Alpha Radioactivity (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
Radium-226 and Radium-228, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX

The following proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD and will be in effect from 37 months after the Permit Effective Date to Permanent Treatment Installation or Permit Expiration (whichever is first).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	0.018	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	53.0	163.0	204
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	733	1,466	1,832.5
Oil and Grease	Report	Report	XXX	15	XXX	30
Ammonia-Nitrogen	XXX	XXX	XXX	37.57	75.14	93.9
Acidity, Total (as CaCO <sub>3</sub> )	Report	Report	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	Report	Report	Report	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> ) Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Antimony, Total <sup>(1)</sup>	Report	Report	XXX	0.0822	0.1644	0.2055
Arsenic, Total	Report	Report	XXX	0.104	0.162	0.26
Barium, Total	Report	Report	XXX	13.78	27.56	34.45
Cadmium, Total <sup>(1)</sup>	Report	Report	XXX	0.00397	0.00794	0.009925
Chromium, Total	Report	Report	XXX	0.323	0.746	0.808
Cobalt, Total	Report	Report	XXX	0.124	0.192	0.31
Copper, Total <sup>(1)</sup>	Report	Report	XXX	0.1316	0.2632	0.329
Cyanide, Free	Report	Report	XXX	0.0763	0.1526	0.1908
Iron, Total	Report	Report	XXX	3.5	7.0	7
Lead, Total <sup>(1)</sup>	Report	Report	XXX	0.0467	0.0934	0.1168
Manganese, Total	Report	Report	XXX	2.0	4.0	4
Mercury, Total <sup>(1)</sup>	Report	Report	XXX	0.000734	0.001468	0.001835

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Nickel, Total	Report	Report	XXX	1.45	3.95	4.94
Selenium, Total <sup>(1)</sup>	Report	Report	XXX	0.0732	0.1464	0.183
Silver, Total	Report	Report	XXX	0.0351	0.0712	0.08775
Strontium, Total	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Uranium, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total <sup>(1)</sup>	Report	Report	XXX	0.0035	0.0070	0.0088
Tin, Total	Report	Report	XXX	0.12	0.335	0.419
Titanium, Total (as Ti)	Report	Report	XXX	0.0618	0.0947	0.155
Vanadium, Total	Report	Report	XXX	0.0662	0.218	0.273
Zinc, Total	Report	Report	XXX	0.420	0.497	1.05
o-Cresol	Report	Report	XXX	0.561	1.92	2.4
3,3-Dichlorobenzidine <sup>(1)</sup>	Report	Report	XXX	0.00243	0.00486	0.0061
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.265
Phenol	Report	Report	XXX	1.08	3.65	4.56
Acetone	Report	Report	XXX	7.97	30.2	37.8
Acetophenone	Report	Report	XXX	0.0562	0.114	0.141
Acrolein <sup>(1)</sup>	Report	Report	XXX	0.0147	0.0294	0.0368
Acrylonitrile <sup>(1)</sup>	Report	Report	XXX	0.0059	0.0118	0.0148
1,3-Dichloropropylene <sup>(1)</sup>	Report	Report	XXX	0.0101	0.0202	0.0253
Ethylbenzene	Report	Report	XXX	Report	Report	XXX
Benzene	Report	Report	XXX	0.02	0.05	0.0625
Butyl Benzyl Phthalate	Report	Report	XXX	0.0887	0.188	0.222
BTEX, Total	XXX	XXX	XXX	0.1	0.25	0.3125
Carbon Tetrachloride	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
2-Butanone	Report	Report	XXX	1.85	4.81	6.01
1,1,1,2-Tetrachloroethane <sup>(1)</sup>	Report	Report	XXX	0.0197	0.0394	0.0493
Bis(2-Chloroethyl)Ether	Report	Report	XXX	0.0035	0.007	0.0088
Bis(2-Ethylhexyl)Phthalate	Report	Report	XXX	0.101	0.215	0.253
Fluoranthene	Report	Report	XXX	0.0268	0.0537	0.067
Hexachlorobutadiene	Report	Report	XXX	Report	Report	XXX
Hexachlorocyclopentadiene	Report	Report	XXX	Report	Report	XXX
Carbazole	Report	Report	XXX	0.276	0.598	0.69
n-Decane	Report	Report	XXX	0.437	0.948	1.09
n-Octadecane	Report	Report	XXX	0.302	0.589	0.755
p-Cresol	Report	Report	XXX	0.205	0.698	0.873
Pyridine	Report	Report	XXX	0.182	0.370	0.455
Toluene	Report	Report	XXX	Report	Report	XXX
Xylenes, Total	Report	Report	XXX	Report	Report	XXX
Vinyl Chloride <sup>(1)</sup>	Report	Report	XXX	0.0029	0.0058	0.0073
Gross Alpha Radioactivity (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
Radium-226 and Radium-228, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX

The following proposed effluent limits for Outfall 001 are based on a design flow of 0.071 MGD and will be in effect from Permanent Treatment Installation to Permit Expiration.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	0.071	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	53.0	163.0	204
Total Suspended Solids	XXX	XXX	XXX	11.3	29.6	37
Total Dissolved Solids	Report	Report	XXX	500.0	1,000.0	1,250
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	733	1,466	1,832.5
Oil and Grease	Report	Report	XXX	15	XXX	30
Ammonia-Nitrogen	XXX	XXX	XXX	10.96	21.92	27.4
Acidity, Total (as CaCO <sub>3</sub> )	Report	Report	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	Report	Report	Report	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> ) Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Antimony, Total	Report	Report	XXX	0.0250	0.0500	0.0625
Arsenic, Total	Report	Report	XXX	0.0199	0.0993	0.1241
Barium, Total	Report	Report	XXX	10.0	20.0	25
Cadmium, Total	Report	Report	XXX	0.0012	0.0024	0.003
Chromium, Total	Report	Report	XXX	0.0522	0.167	0.2088
Cobalt, Total	Report	Report	XXX	0.0703	0.182	0.2275
Copper, Total	Report	Report	XXX	0.1316	0.2632	0.329
Cyanide, Free	Report	Report	XXX	0.0763	0.1526	0.1908
Iron, Total	Report	Report	XXX	3.5	7.0	7
Lead, Total	Report	Report	XXX	0.0142	0.0284	0.0355
Manganese, Total	Report	Report	XXX	2.0	4.0	4
Mercury, Total	Report	Report	XXX	0.000246	0.000641	0.000801
Nickel, Total	Report	Report	XXX	0.309	0.794	0.9925
Selenium, Total	Report	Report	XXX	0.0223	0.0446	0.0558
Silver, Total	Report	Report	XXX	0.0122	0.0318	0.0398
Strontium, Total	Report	Report	XXX	10.0	20.0	25
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Uranium, Total	XXX	XXX	XXX	XXX	Report	XXX
Thallium, Total	Report	Report	XXX	0.001072	0.002144	0.00268
Tin, Total	Report	Report	XXX	0.0367	0.0955	0.1194
Titanium, Total (as Ti)	Report	Report	XXX	0.00612	0.0159	0.0199
Vanadium, Total	Report	Report	XXX	0.0518	0.0628	0.13
Zinc, Total	Report	Report	XXX	0.252	0.497	0.63
o-Cresol	Report	Report	XXX	0.561	1.92	2.4
3,3-Dichlorobenzidine	Report	Report	XXX	0.000632	0.001264	0.00158
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.265
Phenol	Report	Report	XXX	1.08	3.65	4.56
Acetone	Report	Report	XXX	7.97	30.2	37.8
Acetophenone	Report	Report	XXX	0.0562	0.114	0.141
Acrolein	Report	Report	XXX	0.00446	0.00893	0.01117
Acrylonitrile	Report	Report	XXX	0.005	0.005	0.005
1,3-Dichloropropylene	Report	Report	XXX	0.0101	0.0202	0.0253
Ethylbenzene	Report	Report	XXX	Report	Report	XXX
Hexachlorobenzene	XXX	XXX	XXX	0.000008	0.000016	0.00002
Benzene	Report	Report	XXX	0.001	0.002	0.0025
Benzo(a)Anthracene	Report	Report	XXX	0.000114	0.000228	0.000285
Benzo(a)Pyrene	Report	Report	XXX	0.000114	0.000228	0.000285
Benzo(k)Fluoranthene	Report	Report	XXX	0.000114	0.000228	0.000285
3,4-Benzofluoranthene	Report	Report	XXX	0.000114	0.000228	0.000285
Butyl Benzyl Phthalate	Report	Report	XXX	0.0887	0.188	0.222
BTEX, Total	XXX	XXX	XXX	0.1	0.25	0.3125
Carbon Tetrachloride	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	250.0	500.0	625
Bromide	Report	Report	XXX	Report	Report	XXX
2-Butanone	Report	Report	XXX	1.85	4.81	6.01
1,1,1,2-Tetrachloroethane	Report	Report	XXX	0.0197	0.0394	0.0493
Bis(2-Chloroethyl)Ether	Report	Report	XXX	0.000903	0.001806	0.00226
Bis(2-Ethylhexyl)Phthalate	Report	Report	XXX	0.101	0.215	0.253
Chrysene	Report	Report	XXX	0.000114	0.000228	0.000285
Dibenzo(a,h)Anthracene	Report	Report	XXX	0.000114	0.000228	0.000285
Fluoranthene	Report	Report	XXX	0.0268	0.0537	0.067
Hexachlorobutadiene	Report	Report	XXX	0.008932	0.01786	0.02233
Hexachlorocyclopentadiene	Report	Report	XXX	0.0044	0.0088	0.0111
Carbazole	Report	Report	XXX	0.276	0.598	0.69
n-Decane	Report	Report	XXX	0.437	0.948	1.09
n-Octadecane	Report	Report	XXX	0.302	0.589	0.755
Indeno(1,2,3-cd)Pyrene	Report	Report	XXX	0.000114	0.000228	0.000285
N-Nitrosodimethylamine	Report	Report	XXX	0.000021	0.000042	0.000525
N-Nitrosodi-N-Propylamine	Report	Report	XXX	0.00015	0.0003	0.000375
p-Cresol	Report	Report	XXX	0.205	0.698	0.873
Phenanthrene	Report	Report	XXX	0.004466	0.008932	0.01117
Pyridine	Report	Report	XXX	0.182	0.370	0.455
Toluene	Report	Report	XXX	Report	Report	XXX
Xylenes, Total	Report	Report	XXX	Report	Report	XXX
Vinyl Chloride	Report	Report	XXX	0.000752	0.000150	0.00188

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Gross Alpha Radioactivity (pCi/L) Radium-226 and Radium-228, Total (pCi/L)	XXX	XXX	XXX	XXX	Report	XXX
	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is not in effect.

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

**PA0272744**, Industrial, SIC Code 4941, **Guys Mills Mutual Water Assoc**, PO Box 112, Guys Mills, PA 16327. Facility Name: Guys Mills Water Association WTP. This existing facility is located in Randolph Township, **Crawford County**.

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

The receiving stream(s), Lake Creek, is located in State Water Plan watershed 16-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed amendment is to change the Outfall 001 monitoring frequency from 2/discharge to 2/month.

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

The EPA Waiver is in effect.

**PA0264440**, Sewage, SIC Code 8800, **Patricia Poland**, 807 Samick Road, Erie, PA 16509. Facility Name: Patricia Poland SRSTP. This proposed facility is located in Summit 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 Walnut Creek, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
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 (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 1516401**, Sewage, **Tredyffrin Township Municipal Authority**, 1100 Duportail Road, Berwyn, PA 19312.

This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Action/Activity: Construction of 2 new on-site sanitary pump stations, collection system and conveyance system.

**WQM Permit No. 1516402**, Sewage, **Tredyffrin Township Municipal Authority**, 1100 Duportail Road, Berwyn, PA 19312.

This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Action/Activity: Modifications to the interceptor increase average daily flow to 373,577 gallons per day.

**WQM Permit No. 1516201**, Industrial Waste, **Herr Foods, Inc.**, P. O. Box 300, Nottingham, PA 19362-0300.

This proposed facility is located in West Nottingham Township, **Chester County**.

Description of Action/Activity: Modifications to add an equalization tank, oil & grease removal system and a new final clarifier.

**WQM Permit No. 1516403**, Sewerage, **Oxford Area Sewer Authority**, 14 South Third Street, Oxford, PA 19363.

This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Action/Activity: A new sanitary sewer extension at Sunoco gas station and convenience store at 301 Limestone Road.

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

**WQM Permit No. WQG02361602**, Sewerage, **Lititz Borough**, 7 South Broad Street, Lititz, PA 17543.

This proposed facility is located in Lititz Borough, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the Warwick Woodlands South Pump Station.

**WQM Permit No. 6716403**, Sewerage, **Shrewsbury Borough & Shrewsbury Borough Municipal Authority**, 35 West Railroad Avenue, Shrewsbury, PA 17361.

This proposed facility is located in Shrewsbury Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval or the construction/operation of the Deer Creek sewage pumping station.

**WQM Permit No. 0616402**, Sewerage, **City of Reading**, 815 Washington Street, Reading, PA 19601-3690.

This proposed facility is located in City of Reading, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the Sixth & Canal pump station short-term improvement project.

**WQM Permit No. 2116402**, Sewerage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055.

This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the Spring Run Interceptor Replacement.

**WQM Permit No. 2813201, Amendment #2**, CAFO, **Burk-Lea Farms**, 3125 Grand Point Road, Chambersburg, PA 17202.

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

Description of Proposed Action/Activity: Seeking permit amendment approval for the construction/operation of 3 new manure transfer tanks at existing farm at 3099 Grand Point Road.

**WQM Permit No. 3616201**, CAFO, **Kenton Sweigart Farm**, 620 Greider Road, Mount Joy, PA 17552.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of two existing manure storage tanks and one proposed manure storage structure.

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

**WQM Permit No. 1115415**, Sewerage, **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640.

This proposed facility is located in Reade Township, **Cambria County**.

Description of Proposed Action/Activity: construction and operation of a sanitary sewage pump station. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's state revolving fund has been identified as a potential funding source.

**WQM Permit No. 6573407 A-4**, Sewerage, **Latrobe Municipal Authority Westmoreland County**, PO Box 88, Latrobe, PA 15650-0088.

This existing facility is located in Latrobe Borough, **Westmoreland County**.

Description of Proposed Action/Activity: construction of 270 feet of 21" diameter sanitary sewer and installation of a tide gate.

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

**WQM Permit No. WQG02421601**, Sewerage, **Norwich Township Mckean County**, 3853 W Valley Road, Smethport, PA 16749-3153.

This proposed facility is located in Norwich Township, **McKean County**.

Description of Proposed Action/Activity: Sewer extension and pump station to serve area in and around the Village of Betula.

**WQM Permit No. WQG01201602**, Sewerage, **Donald & Trina Porter**, 16766 Airport Road, Linesville, PA 16424-7614.

This proposed facility is located in Conneaut Township, **Crawford County**.

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

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


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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011516003	LTF Real Estate Company, Inc. 2902 Corporate Place Chanhasen, MN 55317	Chester	Tredyffrin Township	Trout Creek WWF-MF

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

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916009	Bryan Rizzo 4588 Jasmine Drive Center Valley, PA 18034	Lehigh	Lower Milford Township	Saucon Creek (CWF, MF) (EV Wetlands)

*Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025816002	Scott Andre 17150 SR 706 Montrose, PA 18801	Susquehanna	Bridgewater Township	Snake Creek (CWF, MF, PWS)

*Wayne County Conservation District, 648 Park Street, Honesdale, PA 18431*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026416002	Hamlin Heights, LP 3909 Hartzdale Drive Suite 9001 Camp Hill, PA 17011	Wayne	Salem Township	UNT to Moss Hollow Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033616001	Wildflower LLC 540 Countryside Lane New Holland, PA 17557	Lancaster	East Earl	UNT Black Creek (HQ, WWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041416005	Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	Centre	College Township, State College Borough	Thompson Run, 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 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.

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<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>
Malcolm Sonnen 101 Sonnen Road Richland, PA 17087	Lebanon	8.5	239.96	Poultry— Layers	NA	Renewal
Jim Hershey 338 Sunnyburn Road Elizabethtown, PA 17022	Lancaster	550	786.51	Broilers	NA	R
Jonas Sensenig 1147 Silver Spring Road Holtwood, PA 17532	Lancaster	281.5	418.53	Swine	HQ	R
Beachdale Farms, Inc.	Somerset	850	872.85	Beef, Swine	None	New

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 3216501, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
[Township or Borough]	White Township
Responsible Official	David R. Kaufman, Vice-President of Engineering Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Two Lick Creek water treatment plant
Consulting Engineer	Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	April 7, 2016
Description of Action	Construction of a primary intake, a chemical feed building and improvements to five chemical feed systems.

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

**Permit No. 6216501, Public Water Supply.**

Applicant	<b>Wesley Woods, Inc.</b>
Township or Borough	Eldred Township

County	<b>Warren</b>
Responsible Official	Nate Greenway Executive Director Wesley Woods, Inc. 1001 Fiddlers Green Road Grand Valley, PA 16420
Type of Facility	Public Water Supply
Consulting Engineer	Kerry D. Tyson, P.E. Nittany Engineering & Associates LLC 2836 Earlstown Road, Suite 1 Centre Hall, PA 16828
Application Received Date	March 30, 2016
Description of Action	4-Log treatment of viruses
Applicant	<b>Country Estates Mobile Home Park, LLC</b>
Township or Borough	Jefferson Township
County	<b>Mercer</b>
Responsible Official	James Bender Country Estates Mobile Home Park, LLC 1435 Church Road Mifflinburg, PA 17844
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	March 30, 2016
Description of Action	Replacement of chlorine contact tank and treatment building.

#### MINOR AMENDMENT

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

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

#### Application No. 4379503-MA3, Minor Amendment.

Applicant	<b>Borough of Stoneboro</b>
Township or Borough	Stoneboro Borough
Responsible Official	Glenn Moeller Certified Operator PO Box 337 Stoneboro, PA 16153
Type of Facility	Public Water Supply
Consulting Engineer	Corbet G. Martin, P.E., S.I.T. Herbert, Rowland & Grubic, Inc. 200 West Kensinger Drive Suite 400 Cranberry Township, PA 16066
Application Received Date	March 30, 2016
Description of Action	Changing chemicals within the treatment process, and relocation of the entry point for 4-log sampling.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

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

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

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

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

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

**William Lutz Property**, 514 South Sterling Road, Dreher Township, **Wayne County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of William Lutz, 514 South Sterling Road, South Sterling, PA 18406, submitted a Notice of Intent to Remediate. A release occurred during the delivery of heating oil and impacted soils at the site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Wayne Independent* on March 1, 2016.

**Szoka Property**, 7060 Little Creek Road, Lower Mount Bethel Township, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ms. Michele Szoka, 6681 Little Creek Road, Bangor, PA 18013, submitted a Notice of Intent to Remediate. A release of No. 2 heating oil from an aboveground storage tank occurred following repairs/service to the home heating system. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Express Times* on March 23, 2016.

**CVS Pharmacy Store #1324**, Route 61, Pottsville City, **Schuylkill County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301, on behalf of Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, submitted a Notice of Intent to Remediate. Soil contamination was found at the site due to historical operations. The Notice of Intent to Remediate was published in *The Republican-Herald* on February 12, 2016.

**Kunsmann Property**, 250 East Broad Street, Bethlehem City, **Northampton County**. J. Rockwood and Associates, Inc., PO Box 1006, Easton, PA 18044, on behalf of Terry and Linda Kunsmann, 250 East Broad Street, Bethlehem, PA 18018, submitted a Notice of Intent to Remediate. Soil contamination was noticed at site during the removal of an underground storage tank. The proposed future use of the property will be mixed commercial. The Notice of Intent to Remediate was published in *The Times News* on December 30, 2015.

**Finkle Diesel Release**, shoulder of Interstate 80 Eastbound at mile marker 247.9, Nescopeck Township, **Luzerne County**. Envirosearch Consultants, PO Box 940, Springhouse, PA 19477, on behalf of Clifford B. Finkle, Jr Trucking, 435 Allwood Road, Clifton, NJ 07012, submitted a Notice of Intent to Remediate. Soil contamination is due from a diesel fuel spill. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Times Leader* on January 28, 2016.

#### RESIDUAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR082SC001. Willow Creek Stoneworks and Supply LLC (d.b.a. Willow Creek Environmental Services)**, 74 Willow Creek Road, Reading, PA 19605.

General Permit No. WMGR082SC001. The renewal is under Residual Waste General Permit WMGR082 for Willow Creek Environmental Services located in the Ontelauee Township, **Berks County**. This General Permit is for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag ("slag") as a construction material. The authorized processing is limited to magnetic separation of metallics and mechanical sizing and separation. Uses of slag as a construction material under this permit are limited to the following: as an ingredient in bituminous concrete; as aggregate; as base course; as subbase; and as antiskid material. The renewal application was determined administratively complete by Central Office on April 7, 2016. Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR082SC001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

## 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.**

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

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

**66-00001G: Proctor and Gamble Paper Products Co.** (P. O. Box 32, State Route 87 South, Mehoopany, PA 18629) for the modification of (7) seven diaper lines with new state-of-the-art equipment, which will increase production speed of the existing lines at their facility in Washington Township, **Wyoming County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**24-161D: Greentree Landfill Gas Company—Greentree Landfill Booster Station** (Fire Tower Road, Brockway, PA 15824) for the re-permitting of the 2 natural gas fired compressor engines due to the expiration of plan approval 24-161C in Horton Township, **Elk County**. This is a State Only facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

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

**25-025W: General Electric Company—Erie** (2901 East Lake Road, Bldg 9-201, Erie, PA 16531) for the modification of plan approval 25-025T for removal of Test Cell in Area 10K (Source 365) and removal of 40 CFR 63 Subpart P PPPP requirements in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 25-025W is for the modification of plan approval 25-025T with regards to removing the final test cell in Area 10K (Source 365), deleting the construction schedule conditions, and deleting 40 CFR 63 Subpart P PPPP (National Emission Standards for hazardous Air Pollutants for Engine Test Cells/Stands) requirements. There will be no change in projected emissions from the test cells as a result of this plan approval. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 359, 361, & 364
  - The following air contaminant emission limits are approved for the 3 engine test cells (Source 359, 361, & 364) located in Building 4E and area 10-K, combined.
    - The company shall limit the emissions of nitrogen oxides (calculated as NO<sub>2</sub>) to 341.8 tons, or less, in a 12 month rolling period.
    - The company shall limit the emissions of carbon monoxide (CO) to 29.4 tons, or less, in a 12 month rolling period.
    - The company shall limit the emissions of sulfur dioxide (SO<sub>2</sub>) to 73.2 tons, or less, in a 12 month rolling period.
    - The company shall limit the emissions of particulate matter to 12.7 tons, or less, in a 12 month rolling period.
    - The annual emission limit for the pollutants listed above includes the emissions from start-ups and shutdowns.
    - The following condition from plan approval 25-025O has been deleted: Start-up is defined as the period from when the engine is started and operating continuously until the catalyst is at the minimum operating temperature.
    - The company shall limit the amount of fuel combusted in the three test cells (Source 359, 361, & 364) to a combined 11,000,000 gallons in a 12-month rolling period. LNG/CNG/NG fuel use will be converted to gallon



equivalents of #2 oil on a BTU basis for purposes of demonstrating compliance with the fuel limitation. [This condition replaces the following condition from Plan Approval 25-025O: The company shall limit the amount of fuel combusted in the Building 4E test cells to a combined 5,500,000 gallons in a 12 month rolling period.]

- Deleted [The company shall continuously monitor the concentration of carbon monoxide in the exhaust of the selective catalytic reduction system when an engine is operating in the test cell.]

- Deleted [The company shall keep a record of the results of the continuous emission monitoring required by this plan approval.]

- Deleted [The company shall install, operate and maintain the carbon monoxide and oxygen continuous emission monitors in accordance with all Department requirements as well as manufacturer's specifications. (This condition removed the NO<sub>x</sub> reference)]

- Deleted [The company shall operate the Department certified carbon monoxide continuous emission monitor any time an engine is being operated in the test cell. (This condition removed the NO<sub>x</sub> reference)]

- Source 359

- The company shall continuously monitor the temperature of the oxidation catalyst when an engine is operating in the test cell. The temperature monitor for the influent to the SCR required in part (d) will be accepted as representative of the oxidation catalyst.

- The company shall keep a copy of the manufacturer's specifications for:

- the cloud chamber;
- the oxidation catalyst;
- the selective catalytic reduction system;
- Deleted [the carbon monoxide continuous emission monitor.]

- Source 361 & 364

- The company shall continuously monitor the temperature of the oxidation catalyst when an engine is operating in the test cell. The temperature monitoring of the SCR outlet required in part (d) will be accepted as representative of the oxidation catalyst.

- The company shall keep a copy of the manufacturer's specifications for:

- the dry filter system [This condition from Plan Approval 25-025Q Alternative Operation Requirements replaces the following condition from Plan Approval 25-025Q: the cloud chamber;]

- the oxidation catalyst;
- the selective catalytic reduction system;
- Deleted [the carbon monoxide continuous emission monitor.]

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they

believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-025W] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for state only operating permits or §§ 127.521—127.524 for Title V operating permits.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00091: Sunoco Partners MKT & Term LP/ Willow Grove**, (4041 Market St, Aston, PA 19014) for the renewal of a Title V Operating Permit in Upper Moreland Township, **Montgomery County**). Sources of emission at the facility are: Distillate/Gasoline Loading Racks and seven Distillate/Gasoline Storage Tanks. The VOC emissions from the Loading Racks are controlled by an Enclosed Vapor Combustion system. As of February 28, 2012, the facility is inactive and there is no emission from this facility. The Loading Racks and the storage tanks are subject to 40 CFR Part 63 Subpart BBBBBB and 25 Pa. Code §§ 129.59 and 129.62. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336*

**03-00125: The Peoples Natural Gas Company** (1201 Pitt St., Pittsburgh, PA 15221-2029). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TV-03-00125) to The Peoples Natural Gas Company, LLC (Peoples) for the operation of the Valley

Compressor Station, located in Cowanshannock Bend Township, **Armstrong County**.

The main sources of emissions at the facility include a 660 bhp Ingersoll-Rand Model #KVG-62 compressor engine, a 1,320 bhp Ingersoll-Rand model #KVS-48 compressor engine, a 600 bhp Cooper Bessemer model #GMV-6 compressor engine, a 400 bhp Cooper Bessemer model #GMV-4 compressor engine, and a CAT model #G3406TA emergency generator engine. The station also operates miscellaneous process equipment, a TEG Dehydration Boiler, a TED Dehydration Still, miscellaneous combustion equipment, two (2) 55-gallon parts washers, and a 2,000 gallon ethylene glycol 50/50 storage tank. The dehydration boiler is controlled by a thermal oxidizer.

The Valley Compressor Station is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). In 2014, Peoples reported emitting the following type and quantity of air contaminants (on an annual basis) from the Valley Compressor Station: 16.57 tons of carbon monoxide (CO), 42.38 tons of nitrogen oxides (NO<sub>x</sub>), 1.87 ton of particulate matter, 10-micron (PM<sub>10</sub>), 1.87 tons of particulate matter, 2.5-micron (PM<sub>2.5</sub>), 0.04 ton of sulfur oxides (SO<sub>x</sub>), 24.02 tons of volatile organic compounds (VOC), 2.17 tons of formaldehyde (a hazardous air pollutant or HAP), 0.05 tons of benzene (HAP), 2.57 tons of hexane (HAP), 0.01 ton of methanol (HAP), and 0.03 ton of toluene (HAP) for a total of 5.65 tons of HAPs combined, 1.14 ton of ammonia, 0.63 ton of particulate matter, condensable, and 8,464.63 tons of greenhouse gases (GHGs).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, 63, and 70, and 25 Pa. Code Chapters 121–145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Title V Operating Permit 03-00125) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its 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.

Written comments, protests, and requests for a public hearing should be directed to Nicholas J. Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Nicholas J. Waryanka at (412) 442-4172.

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### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00146: Pelmor Laboratories, Inc.** (3161 State Road, Bensalem, PA 19020) for a Non-Title V Facility, State-Only, Natural Minor Permit in Bensalem Township, **Bucks County**. The sources of emissions include four rubber mills controlled by a baghouse. The permit contains monitoring, record keeping and reporting requirements designed to keep the facility operating in compliance will all applicable requirements.

**15-00122: Kennett Square Specialties, LLC** (556 East South St., Kennett Square, PA 19348) for a non-Title V, State Only, Synthetic Minor operating permit in Kennett Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The permit was initially issued on 8-8-2011 and will expire on 8-31-2016. Kennett Square Specialties, LLC operates a 9.6 MMBtu/hr spent shiitake mushroom substrate media fired boiler system with an over-fire air, multi-cyclone and dust collector. Based on its potential-to-emit nitrogen oxides, below major source thresholds, without operating limits restrictions or control devices, the facility is a Natural Minor. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**54-00062: World Resources Co.** (170 Walnut Lane, Pottsville, PA 17901-8559) The Department intends to issue a State-Only Operating Permit renewal for operation of a secondary nonferrous metals manufacturing operation in Norwegian Township, **Schuylkill County**. The sources include a hydrometallurgical extraction process, a thermal concentrating unit, and an apv fluid bed processor. The hydrometallurgical extraction process emissions are controlled by a wet scrubber, and the thermal concentrating unit and fluid bed processor are controlled by venturi scrubbers and a dual packed tower scrubber. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**28-05009: Borough of Chambersburg** (100 South Second Street, Chambersburg, PA 17201) to issue a State Only Operating Permit for the Falling Spring Generating Station located in Chambersburg Borough, **Franklin County**. The actual emissions from the facility in 2014 were estimated at 16.3 tons NO<sub>x</sub>; 5.6 tons CO; 1.2 tons VOC; 0.6 ton PM<sub>10</sub>; 0.6 ton PM<sub>2.5</sub>; 0.5 ton SO<sub>x</sub>; 0.1 ton formaldehyde; 0.1 ton acetaldehyde; 0.1 ton acrolein; and 0.3 ton total HAPs. 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.

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

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

**17-00050: GKN Sinter Metals Inc.** (PO Box 1047, 1 Tom Mix Drive, DuBois, PA 15801) to issue a renewal State Only Operating Permit for their DuBois facility located in City of DuBois, **Clearfield County**. The facility is currently operating under State Only Operating Permit 17-00050. The facility's main sources include eight (8) sintering furnaces, three (3) parts washers, one (1) draw furnace and four (4) oil impregnation systems. The facility has potential emissions of 11.13 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 6.16 tpy of nitrogen oxides, 1.60 tpy of carbon monoxide, 0.64 tpy of volatile organic compounds, 0.01 tpy of hazardous air pollutants and 0.003 tpy of sulfur oxides. The potential emissions at the facility reduced due to removal of four sintering furnaces. The emission limits, throughput limitations 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.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**24-00126: US Resistor Inc** (1016 Delaun Road, Saint Marys, PA 15857-3360) for renewal of the State Only Operating Permit for the porcelain electrical supply facility located in Saint Marys City, **Elk County**. The sources at the facility include belt ovens, curing ovens, material mixing operations, a double arm mixer, batch cold cleaning machine, resistor mix material handling and processing, ceramic mix material handling and processing, metallic wire spray application, insulating varnish/paint booth, a Harrop batch kiln, and resistor coating spinner spray system. The batch cold cleaning machine is subject

to 40 CFR 63 Subpart T for halogenated solvents. The facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The permit contains the requirements of plan approval 24-126A. The criteria pollutants are less than 1 TPY each. HAP emissions are less than 1 TPY.

**43-00335: J. Bradley McGonigle Funeral Home** (1090 East State Street, Sharon, PA 16146-3367) intends to issue a renewal State Only Operating Permit for the human cremator located in Sharon City, **Mercer County**. The facility is a Natural Minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Particulate matter emissions from the cremator shall not exceed 0.08 grain per dry standard cubic foot, corrected to 7% O<sub>2</sub>. NO<sub>x</sub> emissions are less than 1.3 TPY. VOC emissions are less than 0.07 TPY. The unit is fueled with natural gas.

## 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 and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Cintas Corp.** (164 East Main Street, Emmaus, PA 18049) for their facility located in Emmaus Borough, **Lehigh County**. This Plan Approval No. 39-00106A will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 39-00106A is for their laundry cleaning facility. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.04 grain/dscf. 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. 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.: 39-00106A 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.

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 **Lake Region Crematorium, LLC** (P O Box 7, 143 Gravity Road, Lake Ariel, PA 18436) for their facility located in Lake Township, **Wayne County**. This Plan Approval No. 64-00018A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 64-00018A is for the operation of a human crematory. This facility is a Non Title V facility. The company has applied to operate the cremator without interlock system & opening of the chamber before it cools to 1,500°F as required by existing operating permit. No other changes were proposed from existing operating permit. Presently the cremator is operating under General Operating Permit GP14 requirements. The company shall comply with 123.41 for opacity. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 64-00018A 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 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

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

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

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

### *Coal Applications Received*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**24010101. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface, auger, and clay removal mine in Horton Township, **Elk County**, affecting 264.3 acres. Receiving streams: Unnamed tributary to Mead Run and Mead Run, unnamed tributaries to Johnson Run and



Johnson Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 4, 2016.

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

**02860201 and NPDES Permit No. PA0588407. IP Harmar Holdings LLC** (2929 Allen Parkway, Suite 2200, Houston, TX 77019). Renewal application for continued operation to an existing coal refuse reprocessing surface mine, located in Harmar Township, **Allegheny County**, affecting 168.3 acres. Receiving stream: Guys Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: City of Pittsburgh, Shaler Water Plant. Renewal application received: April 1, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 13010201R3. Rossi Excavating Company**, (RR 1 Box 189E, Beaver Meadows, PA 18216), renewal for reclamation activities only of an existing anthracite coal refuse reprocessing operation 580.0 acres, receiving stream: Wetzell Creek, classified for the following use: cold water fishes. Application received: March 22, 2016.

**Permit No. 54840203R6. Skytop Coal, Inc.**, (PO Box 330, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 91.8 acres, receiving streams: Mill Creek and Mahanoy Creek, classified for the following uses: cold water fishes; warm water fishes and migratory fishes. Application received: March 25, 2016.

**Permit No. 54-305-033GP12R. Locust Valley Coal Co., Inc.**, (PO Box 279, St. Clair, PA 17970), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Skytop Coal, Inc., Surface Mining Permit No. 54840203 in Mahanoy Township, **Schuylkill County**. Application received: March 25, 2016.

**Permit No. 13060101T. Lehigh Anthracite, LP**, (1233 East Broad Street, Tamaqua, PA 18252), transfer of an existing anthracite surface mine operation from Keystone Anthracite Marketing Corp. d/b/a KAMC in Nesquehoning Borough, **Carbon County** affecting 189.1 acres, receiving stream: Nesquehoning Creek, classified for the following uses: cold water and migratory fishes. Application received: March 31, 2016.

**Permit No. 13070101T. Lehigh Anthracite, LP**, (1233 East Broad Street, Tamaqua, PA 18252), transfer of an existing anthracite surface mine operation from Keystone Anthracite Marketing Corp. d/b/a KAMC in Nesquehoning Borough, **Carbon County** affecting 252.3 acres, receiving stream: Nesquehoning Creek, classified for the following uses: cold water and migratory fishes. Application received: March 31, 2016.

**Permit No. 54890102C8. White Pine Coal Co., Inc.**, (PO Box 59, Ashland, PA 17921), correction for a pit length variance and include a GP12 permit to an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Cass, Foster and Reilly Townships, **Schuylkill County** affecting 729.7 acres, receiving streams: Muddy Branch and unnamed tributary to Swatara Creek, classified for the following uses: cold water fishes and cold water and migratory fishes. Application received: April 1, 2016.

**Permit No. 54-305-036GP12. Michael Coal Company**, (PO Box 8, Williamstown, PA 17098), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on White Pine Coal Co., Inc.'s Surface Mining Permit No. 54890102 in Cass, Foster and Reilly Townships, **Schuylkill County**. Application received: April 1, 2016

*Noncoal Applications Received*

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 58160805 and NPDES Permit No. PA0225631. Jason A. McCarey**, (UPS Store—BMP 161, 1143 Northern Boulevard, Clarks Summit, PA 18411), commencement operation and restoration of a quarry operation and NPDES permit for discharge of treated mine drainage in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Beaver Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: March 31, 2016.

**Permit No. 40002805. Tom L. Bower**, (274 Moore's Hill Road, Berwick, PA 18603), Stage I & II bond release of a quarry operation in Salem Township, **Luzerne County** affecting 3.0 acres on property owned by Tom L. Bower. Application received: April 7, 2016.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water

and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

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

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

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

## Coal NPDES Permits

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

**NPDES No. PA0213438 (Mining Permit No. 30841307), Emerald Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). A revision to the renewed NPDES permit issued on September 16, 2013 for the Emerald Mine No. 1 in Franklin Township, **Greene County**. This NPDES Permit is also being published in compliance with the 25 Pa. Code § 92a.88, as a result of a settlement of an Environmental Hearing Board Appeal at the EHB Docket No. 2013-182-M. Surface Acres Affected 571.78, Underground Acres Affected 23,735.65. Receiving stream: South Fork Tenmile Creek, classified for the following use: WWF. Monongahela River. Receiving stream: UNT Smith Creek, classified for the following use: WWF. Monongahela River. Receiving stream: UNT Laurel Run, classified for the following use: WWF. Monongahela River. Receiving stream: UNT Coal Lick Run, classified for the following use: WWF. Monongahela River. Receiving stream: Grimes Run, classified for the following use: WWF. Monongahela River. Receiving stream: UNT Toll Gate Run, classified for the following use: WWF. Monongahela River. The application was considered administratively complete on June 30, 2014. Application received June 30, 2014. NPDES Permit Issued April 1, 2016.

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

The facility location of the non-discharge alternatives are listed below:

*Outfall 002* discharges to: South Fork Tenmile Creek

The proposed effluent limits for *Outfall 002* (Lat: 39° 53' 49.2" Long: 80° 11' 50.4") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	50	50
Chlorides (mg/l)		567	1,133	1,416
Sulfates (mg/l)		250	250	250
Total Dissolved Solids (mg/l)		500	779	974
Selenium (mg/l)		-	-	Report
Bromide (mg/l)		-	-	Report

*Outfall 003* discharges to: South Fork Tenmile Creek

The proposed effluent limits for *Outfall 003* (Lat: 39° 53' 49" Long: 80° 11' 53.9") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		-	-	Report
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	Report
Total Dissolved Solids (mg/l)		-	-	Report
Bromide (mg/l)		-	-	Report

*Outfall 004* discharges to: UNT Smith Creek

The proposed effluent limits for *Outfall 004* (Lat: 39° 53' 14" Long: 80° 11' 33") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		-	-	Report
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	Report
Total Dissolved Solids (mg/l)		-	-	Report
Bromide (mg/l)		-	-	Report

*Outfall 012* discharges to: UNT Laurel Run

The proposed effluent limits for *Outfall 012* (Lat: 39° 52' 38.5" Long: 80° 09' 59.7") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
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>
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)		-	-	Report
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report

*Outfall 013* discharges to: UNT Coal Lick Run

The proposed effluent limits for *Outfall 013* (Lat: 39° 52' 23.1" Long: 80° 07' 34.3") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		3.0	6.0	7.0
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)		-	-	Report
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report
Bromide	(mg/l)		-	-	Report

*Outfall 017* discharges to: Grimes Run

The proposed effluent limits for *Outfall 017* (Lat: 39° 54' 16" Long: 80° 09' 06") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron	(mg/l)		3.0	6.0	7.0
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)		-	-	Report
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report
Bromide	(mg/l)		-	-	Report

*Outfall 018* discharges to: UNT Toll Gate Run

The proposed effluent limits for *Outfall 018* (Lat: 39° 54' 47" Long: 80° 12' 16") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		3.0	6.0	7.0
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)		-	-	Report
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	Report
Total Dissolved Solids	(mg/l)		-	-	Report

*Coal NPDES Draft Permits*

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

**NPDES No. PA0263010 (Mining permit no. 56100102), PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for surface mining activities in Stonycreek Township, **Somerset County**, affecting 448.0 acres. Receiving streams: unnamed tributary to the Stonycreek River and unnamed tributaries to Wells Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh River TMDL. Application received: March 11, 2016.

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

The treatment outfalls listed below discharge to an unnamed tributary to the Stonycreek River and unnamed tributaries to Wells Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
004	N
007	N
010	N



The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 004, 007, and 010</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfalls listed below discharge to an unnamed tributary to the Stonycreek River and unnamed tributaries to Wells Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N
003	N
005	N
006	N
008	N
009	N

The proposed effluent limits for the above listed stormwater outfalls are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES Permit No. PA0124601 on Surface Mining Permit Nos. 7175SM2C8 and 22010302C3. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.,** (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of an NPDES Permit for a sandstone quarry operation in Washington and Jackson Townships, **Dauphin County**, affecting 155.0 acres. Receiving streams: Wiconisco Creek and Armstrong Creek, classified for the following use: cold water fishes. Application received: February 1, 2016.

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

The outfall(s) listed below discharge to Wiconisco Creek and Armstrong Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S and O.D
002	No	E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

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

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to ap-

proval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E40-781. Matthew and Stefanie Sordoni**, 339 Highway 315, Pittston, PA 18640, in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 3,000 sq. ft. pile-supported lakehouse/boathouse/dock in the basin of Harveys Lake (HQ-CWF). The project is located at Pole 149 along Lakeside Drive in Harveys Lake Borough, Luzerne County (Harveys Lake, PA Quadrangle, Latitude: 41°22'26"; Longitude: -76°2'38.7").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E06-706: PennDOT Engineering District 5.0**, 1002 Hamilton Street, Allentown, PA 18101.

In West Reading Borough and City of Reading, **Berks County**, U. S. Army Corps of Engineers Philadelphia District.

To (1) repair and maintain an existing 1,320 foot 6.88 inch bridge over the Schuylkill River (WWF, MF), (2) place rip-rap scour protection along existing piers and, (3) install 2 temporary causeways for access during construction all for the purpose of improving transportation safety and roadway standards. The project proposes to permanently affect 292 linear feet of stream channel and temporarily affect 891.5 linear feet of stream channel and 0.03 acre of palustrine emergent wetlands. The project is located in West Reading Borough and City of Reading, Berks County (Latitude: 40° 20' 08"; Longitude: -75° 56' 15.5").

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D48-167EA. Ralph Carp**, Director of Parks and Public Property, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018, Bethlehem City, **Northampton County**, USACOE Philadelphia District.

Project proposes to remove the East Branch Dam for the purpose of eliminating a threat to public safety and restoring approximately 300 feet of stream channel to a free-flowing condition. The project is located across East Branch Saucon Creek (CWF, MF) (Hellertown, PA Quadrangle, Latitude: 40.6166; Longitude: -75.3321).

**D55-044. John Hallas**, Director, Bureau of State Parks, Pennsylvania Department of Conservation and Natural Resources, P. O. Box 8551, Harrisburg, PA 17101-8551, City of Sunbury and Borough of Shamokin Dam, **Northumberland and Snyder Counties**, USACOE Baltimore District.

Project proposes to replace two inflatable bags at the Adam T. Bower Memorial Dam impacting approximately 1.5 acres of riverine habitat to construct a temporary rock access road. The dam is located across the Susquehanna River (WWF) (Sunbury, PA Quadrangle; Latitude: 40.8504, Longitude: -76.8074).

**ACTIONS**

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

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and

other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0012238 (Industrial)	ABB, Inc. 125 E. County Line Road Warminster, PA 18974	Bucks County Warminster Township	Unnamed Tributary of Pennypack Creek (3-J)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0062839 (Sewage)	Lake Adventure Community Association WWTF 5000 Lake Adventure Milford, PA 18337	Pike County Dingman Township	Unnamed Tributary of Birchy Creek (01D)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0038920— SEW	Burnham Borough Authority 200 1st Avenue Burnham, PA 17009-1640	Mifflin County/ Burnham Borough	Kishacoquillas Creek/12-A	Y
PA0085537— IW	Tobian Nagle Altoona Water Authority— Altoona City Water System 900 Chestnut Avenue Altoona, PA 16601-4617	Blair County/ Antis Township	Bells Gap Run/11-A	Y
PA0085502— SEW	Ward Realty, LLC 210 Verdian Drive York, PA 17403	Dauphin County/ East Hanover Township	Manada Creek/7-D	Y

*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?
PA0035548 (Sewage)	PA DOT Rest Area 15 PO Box 3060 Harrisburg, PA 17105-3060	Lawrence County Plain Grove Township	Unnamed Tributary of Jamison Run (20-C)	Yes

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

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

**NPDES Permit No. PA0004472, Amendment No. 3, Industrial, SIC Code 3312, US Steel Corp, 400 State Street, Clairton, PA 15025-1855.**

This existing facility is located in Clairton City, **Allegheny County**.

Description of Existing Action/Activity: Amendment of an NPDES permit for existing discharges from a cokemaking facility.

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

**NPDES Permit No. PA0024431**, Sewage, **Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17019.

This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Dogwood Run in Watershed 7-E.

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

**NPDES Permit No. PA0210196**, Industrial, SIC Code 4953, **Seneca Landfill Inc.**, PO Box 1080, Mars, PA 16046-1080.

This existing facility is located in Jackson Township, **Butler County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial Waste.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 2306402**, Sewage, Amendment, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Converting an existing equalization tank to a second sludge digester. Converting an existing aerobic treatment tank (Plant 2) to 2 equalization (EQ) tanks and grit separator.

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

**WQM Permit No. 3416401**, Sewerage, **Richfield Area Joint Authority**, 186 Seven Stars Road, Richfield, PA 17086.

This proposed facility is located in Monroe Township, **Juniata County**.

Description of Proposed Action/Activity: Permit approval to upgrade pumps at Heister Valley Pump Station.

**WQM Permit No. 2216402**, Sewerage, **Highspire Borough**, 640 Eshelman Street, Highspire, PA 17034.

This proposed facility is located in Highspire Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the upgrade of the existing Lumber Street Interceptor at two locations within the Highspire Borough as shown in the plans.

**WQM Permit No. WQG02160601**, Sewerage, **Tulpehocken Township**, PO Box 272, Rehrersburg, PA 19550-0272.

This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the Chloe Drive pumping station.

*North Central Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

**WQM Permit No. 1716401**, Sewage, SIC Code 4952, **Melissa Bush**, 948 Shiloh Road, Woodland, PA 16881-8234.

This existing facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of WQM for SFTF.

**WQM Permit No. 1787201 A-5**, Industrial, SIC Code 4911, **NRG REMA LLC**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817.

This existing facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Modifications to the IWTP to accommodate the proposed Cooling Tower Project and groundwater collection system.

**WQM Permit No. 1716402**, Sewage, SIC Code 4952, **Kenneth Watro Jr & Nicole Bumbarger**, 986 Shiloh Road, Woodland, PA 16881-8234.

This existing facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of new WQM permit authorizing an existing SFTF.

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

**WQM Permit No. 2613403 A-2**, Sewage, SIC Code 4952, **Upper Tyrone Township Sewer Authority**, 170 Municipal Drive, Connellsville, PA 15425.

This existing facility is located in Upper Tyrone Township, **Fayette County**.

Description of Proposed Action/Activity: Construction of sanitary sewers, pressure sewers and sewage pump stations. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part



II) Permit has not identified any significant environmental impacts resulting from this proposal. This is an amendment of previous issuances of 2613403 that was issued on April 14, 2014 and 2613403-A2 that was issued on May 14, 2015.

**WQM Permit No. 0415402**, Sewage, SIC Code 4952, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001.

This proposed facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Construction of a pump station and force main to serve the Shell Franklin Project.

**WQM Permit No. 0499404-T2**, Sewage, **Mark Schmitt**, 5374 William Flynn Highway, Gibsonia, PA 15044-9650.

This existing facility is located in Industry Borough, **Beaver County**.

Description of Proposed Action/Activity: Transfer existing permit from Riverview Restaurant Group, Inc. to Mr. Mark Schmitt.

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

**WQM Permit No. 1074405 A-3**, Sewage, SIC Code 4952, 7033, **Moraine Camplands Association Inc.**, 281 Staff Road, Slippery Rock, PA 16057-5327.

This existing facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: Replacement of existing extended aeration sewage treatment facilities with a recirculating sand filter based facility.

**WQM Permit No. 1016403**, Sewage, **Saxonburg Borough Area Authority**, 420 West Main Street, Saxonburg, PA 16056-9517.

This proposed facility is located in Saxonburg Borough, **Butler County**.

Description of Proposed Action/Activity: Upgrades and maintenance of Elder Alley Pump Station.

**WQM Permit No. WQG01251602**, Sewage, SIC Code 8800, **Paula Kitelinger**, 14362 Route 19, Cambridge Springs, PA 16403.

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

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

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## VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010915005(1)	Worthington and Shagen Custom Builder, Inc. 1108 Wrightstown Road Newtown, PA 18940	Bucks	Solebury Township	Aquetong Creek HQ-CWF-MF
PAI014613012(1)	JERC Partners XIII, LP 171 Route 173, Suite 201 Asbury, NJ 08802	Montgomery	Lower Moreland Township	Huntingdon Valley Creek TSF-MF
PAI012313007-3B	Airport Planning and Environmental Services Terminal D-E Philadelphia International Airport Philadelphia, PA 19153	Delaware	Tinicum Township	SEPD to Delaware River WWF-MF Mingo Creek WWF-MF
PAI014613010(1)	Matrix CBH, L.P. Forsgate Drive CN 4000 Cranbury, NJ 08512	Montgomery	Cheltenham Township	Rock Creek (Tributary of Tacony Creek and Pennypack Creek) TSF-MF
PAI011515011	Toll PA IV, L.P. 250 Gibraltar Road Horsham, PA 19044-2323	Chester	Upper Uwchlan Township	Marsh Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024515008	Sanofi Pasteur, Inc. Discovery Drive State Route 611 Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek (HQ-CWF, MF)
PAI026415003	Lake Ariel DPP XI, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Wayne	Lake Township	Ariel Creek (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041415007	Mark & Olga Levi 196 Barger Fields Subdivision	Centre	Patton Township	UNT Buffalo Run HQ-CWF

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051114001(1)	Pennsylvania Electric Company 341 White Pond Drive Akron, OH 44320	Cambria County	Cambria Township, Cresson Township, Munster Township, and Washington Township	North Branch of Little Conemaugh River (CWF), Howell's Run (CWF), Noel's Creek (HQ-CWF), Conemaugh River (CWF), Bradley Run (CWF)

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## VII. Approvals to Use NPDES and/or Other General Permits

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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).

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### List of NPDES and/or Other General Permit Types

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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

## NOTICES

2111

*General Permit Type—PAG-02**Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Pottsgrove Township Montgomery County	PAG02004615041	Construction & Development Services, Inc. 1246 West Chester Pike Suite 316 West Chester, PA 19382	Sprogels Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG02004615062	Real Estate Equity Company LLC 10 East Palisades Avenue Englewood, NJ 07631	Fitzwatertown Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG02004615073	SJM Real Estate LLC 7241 Hollywood Road 2nd Floor, Suite 6 Fort Washington, PA 19034	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Telford Borough Montgomery County	PAG02004615086	Old Forge Acquisitions, LP 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Indian Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG02004615112	Sun Equity Partners 31 West 34th Street 10th Floor, Suite 1012 New York, NY 10001	Tacony Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG02004616005	North Penn School District 401 East Hancock Street Lansdale, PA 19446-3960	Little Neshaminy WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAG02004616020	Mr. Geoffrey and Mrs. Nancy McKernan 125 Cambronne Circle Blue Bell, PA 19002	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG02004615087	Saras Partnership 110 Sharon Drive Douglassville, PA 19518	Unnamed Tributary to Minister Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG02000916010	US Gain—A Division of U. S. Venture, Inc. 425 Better Way Appleton, WI 54915	Rock Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG02000915014(1)	38 Cabot Blvd, LP 110 Terry Drive Newtown, PA 18940	Unnamed Tributary to Queen Anne Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Solebury Township Bucks County	PAG02000916009	Solebury Township 3092 Sugan Road Solebury, PA 18963	Delaware River South WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG02000916014	Doylestown Township 425 Wells Road Doylestown, PA 18901-2717	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Swarthmore Borough Delaware County	PAG02002316003	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Delaware County	PAG02002315038	Troy Eap 7007 Llanfair Road Upper Darby, PA 19082	Crum Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511531	MEH Investments, Inc. 150 McCloskey Road Flourtown, PA 19031	Tookany Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG02000916012	Dollington Land, LP 250 Gibraltar Road Horsham, PA 19044-2323	Houghs Creek WWF-Mf	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Rockhill Township Bucks County	PAG02000916011	AF Partnership 801 Bethlehem Pike Sellersville, PA 18960	Unnamed Tributary to Mill Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Southampton Township Bucks County	PAG02000916013	Upper Southampton Township 939 Street Road Southampton, PA 18966	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG02000914012(1)	Bensalem Township School District 3000 Donallen Drive Bensalem, PA 19020	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511601	Moreland Development, LLC 111 Presidential Boulevard, Suite 209 Bala Cynwyd, PA 19003	Tookany-Tocany Frankford Watershed B WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511525-2	Wexford Development, LLC 3535 Market Street, Suite 1230 Philadelphia, PA 19104	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Abington Township Lackawanna County	PAG02003516001	Gary J. Toth 412 Griffin Pond Road Clarks Summit, PA 18411	UNT to Leggetts Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Dorrance Township Luzerne County	PAG02004015028	Mountaintop Paving & Seal Coating, LLC Joseph Wells 2100 Blytheburn Road Mountain Top, PA 18707	Wapwallopen Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Pen Argyl Borough Northampton County	PAG02004815026	Robin Zmoda Borough of Pen Argyl 11—13 N Robinson Ave Pen Argyl, PA 18072	Waltz Creek (CWF, MF)	Northampton County Conservation District 610-746-1971



## NOTICES

2113

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Ferguson Township Centre County	PAG02001416001	CSC Northland, LP 307 Fellowship Road Suite 116 Mount Laurel, NJ 08054	Tributary to Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Spring Township Centre County	PAG02001416002	Allegheny Lutheran Social Ministries 908 Logon Blvd Altoona, PA 16602	UNT Logan Branch, CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Richmond Township Tioga County	PAG02005916001	Hudson Advisors Tioga, LP/ Sandra Clune 2450 Shenango Valley Freeway Hermitage, PA 16148	UNT to Tioga River, CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro, PA 16901 (570) 724-1801 X 5
Nelson Township Tioga County	PAG02005916003	Brook Egleston 8778 Route 49 Elkland, PA 16920	UNT to Cowanesque River, WWF	Tioga County Conservation District 50 Plaza Ln Wellsboro, PA 16901 (570) 724-1801 X 5

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<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>
Turtle Creek Borough Allegheny County	PAG02000215115	Regional Industrial Development Corporation 210 Sixth Avenue, Suite 3620 Pittsburgh, PA 15222	Turtle Creek (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Collier Township Allegheny County	PAG02000211074-2	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	UNT to Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Mount Lebanon Allegheny County	PAG02000215044	Asbury Heights 700 Bower Hill Road Pittsburgh, PA 15243	Scrubgrass Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Clairton Allegheny County	PAG02000215046	Speedway, LLC 500 Speedway Drive Enon, OH 45323	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Hampton Township Allegheny County	PAG02000215117	Guardian Storage 5879 Centre Avenue Pittsburgh, PA 15206	Crouse Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

<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>
West Deer Township Allegheny County	PAG02000215100	Mr. David Turner 115 Vogle Lane Baden, PA 15005	Deer Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh Allegheny County	PAG02000215132	Northpointe Development Group, LLC 985 Towne Square Drive Suite 200 Greensburg, PA 15601	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Upper Saint Clair Township Allegheny County	PAG02000215110	Mr. William McCloskey 571 West McMurray Road McMurray, PA 15317	UNT to Brush Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Lincoln Borough Allegheny County	PAG02000215091	Rich Perkoski. 3716 Liberty Way McKeesport, PA 15133	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Pine Township Allegheny County	PAG02000215134	Forest View Plaza, LLC 1000 Brooktree Road Suite 300 Wexford, PA 15090	Pine Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh Allegheny County	PAG02000215133	Hillcrest Limited Partnership 1602 L Street Northwest Suite 401 Washington, DC 20036	Saw Mill Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Robinson Township Allegheny County	PAG02000215141	Parkside Vista Apartments, LP 2801 Liberty Avenue Suite 100 Pittsburgh, PA 15222	Campbells Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Hampton Township Allegheny County	PAG02000215145	UHL Construction Company P. O. Box 8 Allison Park, PA 15101	Crouse Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Collier Township Allegheny County	PAG02000211074-3	Collier Township 2418 Hilltop Road Suite 100 Presto, PA 15142	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Baldwin Borough Allegheny County	PAG02000214035-1	Baldwin Borough 3344 Churchview Avenue Pittsburgh, PA 15227	Lick Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

## NOTICES

2115

<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>
Findlay Township Allegheny County	PAG0200013038-15	Allegheny County Airport Authority Landside Terminal Fourth Floor Mezzanine P. O. Box 12370 Pittsburgh, PA 15231-0370	McClarens Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Borough of Jefferson Hills Allegheny County	PAG02000215136	Zokaites Properties, LP 1449 Golfside Drive Wexford, PA 15090	UNT to Lick Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Monroeville Allegheny County	PAG02000215060	Sri Shirdi Sai Baba Temple, Inc 1449 Abers Creek Road Monroeville, PA 15146-3603	Thompson Run (WWF); UNT to Abers Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Collier Township Allegheny County	PAG02000203123-1	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	UNT to Thoms Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Bethel Park Borough Allegheny County	PAG02000215126	Artis Senior Living, LLC 1651 Old Meadow Road Suite 100 McLean, VA 22102	UNT to Catfish Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Robinson Township Allegheny County	PAG02000216018	Sheetz Robinson Township 817 Brookfield Drive Seven Fields, PA 16046	UNT to Moon Run (WWF); UNT to Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Hampton Township Allegheny County	PAG02000216001	UPMC Hampton Ambulatory Care Center 600 Grant Street 60th Floor USX Towers Pittsburgh, PA 15219	McCaskin Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
South Fayette Township Allegheny County	PAG02000216012	John Kosky Contracting, Inc. 619 Miller Run Road Cuddy, PA 15031	UNT to Miller Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Hampton Township Allegheny County	PAG02000215073	Hampton PL, LP 375 Golfside Drive Wexford, PA 15090	Willow Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

<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>
Ross Township Allegheny County	PAG02000215118	Independence Excavating, Inc. 3826 Saxonburg Boulevard Cheswick, PA 15024-2220	UNT to Girty's Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
West Deer Township Allegheny County	PAG02000211015-R1	Hunt Club at Grandview Estates Condominium Association 301 Saddlebrook Road Gibsonia, PA 15044	UNT to Deer Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
West Deer Township Allegheny County	PAG02000216013	Concordia at Rebecca Residence 3746 Cedar Ridge Road Allison Park, PA 15101	UNT to Cedar Run (CWF); UNT to Deer Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh Allegheny County	PAG02000216020	CD/Park 7 Pittsburgh Owner, LLC 461 Park Avenue South New York, NY 10016	Ohio River (WWF-N)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh Allegheny County	PAG02000216002	Central Catholic High School 4720 Fifth Avenue Pittsburgh, PA 15213	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Moon Township Allegheny County	PAG02000212031-2	Robert Morris University 300 Grant Drive Moon Township, PA 15108	Narrows Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
North Fayette Township Allegheny County	PAG02000216011	Landani Ukani Hospitality, LLC 7011 Steubenville Pike Oakdale, PA 15071	Pinkerton Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
South Fayette Township Allegheny County	PAG02000213004-2	Walnut Ridge Garden, LLC 409 Broad Street Suite 200 Sewickley, PA 15143	Dolphin Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Ohio Township Allegheny County	PAG02000216015	TOA Summer Seat, LP 201 King of Prussia Road Suite 370 Radnor, PA 19087	UNT to Lowries Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Franklin Park Borough Allegheny County	PAG020002140271	Franklin Park Borough 2344 West Ingomar Road Pittsburgh, PA 15237	UNT to Bear Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645



Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, P O Box 9205, Harrisburg, PA 17106-9205

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Blossburg Borough & Hamilton Township, Tioga County	PAG02-1059-16-001	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205	Coal Creek (CWF-MF) to Tioga River (CWF-MF); Tioga-Cowanesque Watershed (04A)	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-1311

*General Permit Type—PAG-03*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Burlington Township Bradford County	PAR504802	Northern Tier Solid Waste Authority PO Box 10 Burlington, PA 18814-0010	Sugar Creek and Mill Creek—4-C	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Delaware Township Northumberland County	PAR234810	F.B. Leopold Co., Inc. 227 S. Division Street Zelienople, PA 16063-1313	Unnamed Tributary to Spring Run—10-D	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fallowfield Township Washington County	PAR506104	BFI Waste Systems of North America, LLC 5092 Aber Road Williamsburg, OH 45176	South Branch Maple Creek—19-C	DEP South West Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Erie City Erie County	PAR508304	Waste Management of PA Inc. 851 Robison Road East Erie, PA 16509	Unnamed Tributary to West Branch Cascade Creek and West Branch Cascade Creek—15-A	DEP North West Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-4*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Le Boeuf Township Erie County	PAG041203	Paula Kitelinger 14362 Route 19 Cambridge Springs, PA 16403	Unnamed Tributary to French Creek—16-A	DEP North West Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*Facility Location:  
Municipality &  
County*

Springfield Township  
Erie County

*Permit No.*

PAG058394

*Applicant Name &  
Address*

Soha Enterprises Inc.  
6143 Route 6 N  
West Springfield, PA 16443

*Receiving  
Water/Use*

Unnamed Tributary  
of Raccoon  
Creek—15-A

*Contact Office &  
Phone No.*

DEP North West  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814.332.6942

## 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, PO 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

*Southeast Region: Water Supply Management Program  
Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 0915526**, Public Water Supply.

Applicant	<b>Plumstead Township</b> 5186 Stump Road P. O. Box 387 Plumstead, PA 18949
Township	Plumstead
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates 350 East Butler Avenue New Britain, PA 18901
Permit to Construct Issued	April 6, 2016

**Permit No. 4616503, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Upper Moreland
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 1963 Harrisburg, PA 17105
Permit to Construct Issued	April 15, 2016

**Permit No. 4616508, Minor Amendment.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Drive Hershey, PA 17033
Township	Upper Providence
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Permit to Operate Issued	April 5, 2016

**Operations Permit #4614501** issued to: **Superior Water Company**, A Subsidiary of Aqua Pennsylvania, Inc., P. O. Box 525, Gilbertsville, PA 19525, [(PWSID)] New Hanover Township, **Montgomery County** on April 5, 2016 for the operation of Boyertown Junior High School East Well No. 12 facilities approved under construction permit #4614501.

**Operations Permit #2313505** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, [(PWSID)] Bryn Mawr, PA 19010, Middletown Borough, **Delaware County**, April 15, 2016 for the operation of Aqua PA Main System Solar Bee Mixer at Hunter Street Tank facilities approved under construction permit #2313505.

**Operations Permit #1516501** issued to: **Camphill Special School—Beaver Farm**, 1784 Fairview Road, Glenmoore, PA 19343, [(PWSID)] East Vincent Township, **Chester County** on April 6, 2016 for the operation of Comprehensive Operating Permit—Camphill Special School—Beaver Farm facilities approved under construction permit #1516501.

**Operations Permit #1514539** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr,

PA 19010, [(PWSID)] West Whiteland Township, **Chester County** on April 15, 2016 for the operation of Aqua PA Main System Solar Bee Tank Mixer Ship Road Water Storage Tank facilities approved under construction permit #1514539.

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

**Permit No. 6716505 MA, Minor Amendment**, Public Water Supply.

Applicant **The York Water Company**  
 Municipality Spring Garden Township  
 County **York**  
 Responsible Official Mark S. Snyder, Engineering Manager  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089

Type of Facility A new concrete 300,000-gallon Shunk's Hill finished water reservoir.

Consulting Engineer Mark S. Snyder, P.E.  
 The York Water Company  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089

Permit to Construct Issued 4/5/2016

**Permit No. 0616504 MA, Minor Amendment**, Public Water Supply.

Applicant **Oley Township Municipal Authority**  
 Municipality Oley Township  
 County **Berks**  
 Responsible Official Paul A. Herb, Chairman  
 P O Box 19  
 Oley, PA 19547

Type of Facility Replacement of the well pump in existing groundwater source Well No. 2.

Consulting Engineer Robert Wisniewski, P.E.  
 SSM Group, Inc.  
 1047 North Park Road  
 Reading, PA 19610-0307

Permit to Construct Issued 4/5/2016

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4115507—Construction—Public Water Supply.**

Applicant **Lycoming County Water & Sewer Authority**  
 Township/Borough Fairfield Township  
 County **Lycoming**  
 Responsible Official Ms. Christine Weigle  
 Lycoming County Water & Sewer Authority  
 380 Old Cement Road  
 P. O. Box 186  
 Montoursville, PA 17754

Type of Facility Public Water Supply  
 Consulting Engineer David Swisher, P.E.  
 HRG, Inc.  
 474 Windmere Drive, Suite 100  
 State College, PA 16801  
 Permit Issued April 11, 2016  
 Description of Action Development of Tules Run Well PW-3 as an additional source of supply, with treatment including sodium hypochlorite disinfection, sodium hydroxide corrosion control, and 4-log virus inactivation. In addition, Well PW-2 disinfection system and the distribution system pump station will be upgraded.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

*Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Independence Township	P. O. Box E Avella, PA 15312	Washington County
Cross Creek Township	28 Clark Ave Avella, PA 15312	Washington County

*Plan Description:* The approved plan proposes to extend sewers to the villages of Independence and Cross Creek and expand the existing sewage treatment plant to accommodate these areas. A third treatment train at the STP will be constructed to add additional capacity of 118,000 gpd. Total capacity at the STP will now be 354,000 gpd.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cecil Township	3599 Millers Run Rd. Cecil, PA 15321	Washington County

*Plan Description:* The approved plan provides for a new 0.330 MGD sewage treatment facility and collection system to serve the Village of Lawrence as well as exiting residential, commercial, and institutional properties in the area. The Teodori sewage treatment facility will be eliminated and replaced with a pump station which will convey all sewage flows to the new sewage treatment facility.

The Departments review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Chartiers Township	2 Buccaneer Drive Houston, PA 15342	Washington

*Plan Description:* The approved plan provides for extension of sanitary sewers to serve 60 existing homes currently served by onlot disposal systems. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Clairton City	551 Ravensburg Blvd. Clairton, PA 15025-1297	Allegheny County
Jefferson Boro	925 Old Clairton Rd. Clairton, PA 15025-3133	Allegheny County
South Park Township	2675 Brownsville Rd. South Park, PA 15129	Allegheny County
Peters Township	610 E. McMurray Rd. McMurray, PA 15317	Washington County
Union Township	3904 Finleyville-Elrama Rd. Finleyville, PA 15332	Washington County
Nottingham Township	909 Sugar Run Rd. Eighty Four, PA 15330	Washington County
Finleyville Boro	3515 Washington Ave Finleyville, PA 15332	Washington County

*Plan Description:* The approved plan provides for a new raw sewage pump station and system headworks at the Clairton Municipal Authority wastewater treatment facility. The new pump station will convey flows from the Peters Creek Interceptor and the City of Clairton combined sewer system. This approval is for Phase I of the Act 537 plan which also includes other improvements at the treatment facility.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peters Township	610 E. McMurray Rd. McMurray, PA 15317	Washington County

*Plan Description:* The approved plan provides for Construction of a new 1.75 million gallon per day (MGD) sewage treatment facility (STP) on property adjacent to the existing Donaldson's Crossroads STP. The existing STP will be taken out of service. Sludge handling facilities will be located at the current STP site.

Interceptor capacity throughout the service area will be augmented primarily for wet weather flows and also to accommodate the Lehner Lakes area if necessary. Priority will be given to the Oakwood and the Giant Oaks Interceptors with the sections closest to the STP the primary focus.

The Department's review of the sewage facilities update revision has not identified any significant environmental

impacts resulting from this proposal. Any required NPDES Permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Elizabeth Boro	815 Fourth St. West Elizabeth, PA 15088	Allegheny County
Jefferson Hills Boro	925 Old Clairton Rd. Clairton, PA 15025-3133	Allegheny County

*Plan Description:* The approved plan provides for construction of a 1.06 MGD sewage treatment facility to replace an existing facility which is hydraulically overloaded and outdated. The plan also calls for adaptive reuse of the existing facility for sludge handling. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEANUP  
UNDER THE ACT OF  
OCTOBER 18, 1988**

**Notice of Administrative Record Reopening**

The Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101 et.seq.), opened the administrative record on January 31, 2015, pursuant to Section 506(b) of HSCA, 35 P.S. § 6020.506(b), to provide the public the opportunity to comment on the interim response selected. The public comment period expired on July 15, 2015. The Department closed the administrative record by filing the Statement of Decision and the Response to Public Comments pursuant to Section 506(e) of HSCA, 35 P.S. § 6020.506(e).

The Department now reopens the administrative record pursuant to Section 506(g) and (h) of HSCA, 35 P.S. §§ 6020.506(g) and 6020.506(h).

The Department is reopening the administrative record to revise its selected interim response. On November 6, 2015, Washington Township provided the Department a cost estimate of \$1,239,504 to implement the selected interim response. This amount significantly exceeds the estimate of \$350,000 listed in the Statement of Decision, making the current selected interim response cost prohibitive. The Department will revise the selected interim response to better correspond with the proposed response outlined in the Analysis of Alternatives, dated January, 9, 2015.

After considering institutional controls, bottled water, point of use water treatment units, and connection to the public water system, the Department is proposing to continue supplying bottled water as a prompt interim response and connection to the Washington Township public water system as the interim response for the site. The Department would continue to furnish commercial bottled water to residences that have a water supply contaminated in excess of 5 ppb of TCE or PCE until the residences are either connected to the public water supply or receive a Point of Entry Treatment (POET) system. Residences in the projected contamination plume on Welty Road, between Anthony Highway and Hollengreen Drive, as well as an unoccupied farmhouse located at 8777 Lyons Road, will be connected to the public water



distribution line. Residences at 8618 Lyons Road and 13943 Anthony Highway will receive POET systems.

For residences that receive POET systems, the Department would implement Activity Use Limitations (AULs) either through environmental covenants or administrative orders placed on deed records that would alert new property owners and prospective property purchasers, of the health risks for continued use of contaminated private water supplies. Notification placed on deed records will indicate that the Department has installed a POET system in order to mitigate potential threat to human health from the contaminated water supply.

The Department's response will include extending the water line into Welty Road and installing the lateral water line into each home's water distribution system. Any fees related to the initial connection to the system, the abandoning of affected wells and all necessary restoration work will be included in the response. This action will eliminate ingestion, inhalation, and dermal contact. This alternative will provide maximum protection by removing all exposure to contaminated groundwater serving private water supply systems. The DEP will assure that all existing house wells of residents connected to the public water will be disconnected and abandoned in accordance with the Department's approved specifications. This will eliminate all exposure with the contaminated groundwater, the fugitive release of the TCE and PCE to the outdoor air in the neighborhood, and the possibility of cross connection to the public water supply. The revised interim response will be equally protective and more cost effective.

This response will be carried out as a final remedial action pursuant to Section 504 of the Hazardous Sites Cleanup Act (HSCA). The Department and its contractors will formally evaluate the potential for the groundwater contamination to migrate south at levels above the drinking water standard. Additional response actions may be needed to achieve a complete, permanent and final cleanup for the site. Treatment technologies that address aquifer restoration and/or protection of the environment, such as ex-situ or in-situ treatment technologies, may also be considered in the future provided a technically feasible and cost-effective approach can be developed.

The new information is available within the administrative record for public review and comment. The administrative record is located at the Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110 and is available for review Monday through Friday from 8:00 a.m. to 4:00 p.m. The Administrative Record can also be reviewed at the Washington Township Building, 13013 Welty Road, Waynesboro, PA 17268 from 8:00 a.m. to 4:00 p.m., Monday—Friday.

The new information contained in the administrative record will be open for comment for 60 days from the date published in the *Pennsylvania Bulletin*. Persons may submit written comments regarding the new information entered into the record during this time only, by sending their comments to Mr. Steven DeMars at the Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110 or by delivering them to the regional office in person.

If requested, the Department will conduct a public hearing where persons may present oral comments regarding the new information for inclusion in the administrative record. A request for a public hearing must be made, in writing, and must be postmarked no later than 30 days from the publication of this notice. The request

should be mailed to Mr. Steven DeMars at the Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110. A public hearing will not be held if the Department does not receive a written request by the date specified above.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Bellefonte Waterfront Development Project**, 129 Dunlap Street, 130 Dunlap Street and 315 West High Street, Bellefonte, **Centre County**. Buchart Horn, Inc., 445 West Philadelphia Street, York, PA 17404, on behalf of Bellefonte Area Industrial Development Authority (BAIDA), 236 West Lamb Street, Bellefonte, PA 16823, submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with semi-volatile organic compounds and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wolfe's General Store**, 14167 Rt. 414, Brown Township, **Lycoming County**. ECC Horizon, One, Emery Avenue, Randolph, NJ 07869, on behalf of Hiller's, Inc., 1323 Cemetery Street, Jersey Shore, PA 17740 and Thomas and Debra Finkbiner, P. O. Box 3, Slate Run, PA 17769 submitted a Final Report concerning remediation of site soils and groundwater contaminated with fuel oil and kerosene. The report is intended to document remediation of the site to meet the Site-specific Standard.

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

**Szoka Property**, 7060 Little Creek Road, Lower Mount Bethel Township, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ms. Michele Szoka, 6681 Little Creek Road, Bangor, PA 18013, submitted a Final Report concerning remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**CVS Pharmacy Store #1324**, Route 61, Pottsville City, **Schuylkill County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301, on behalf of Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, submitted a Final Report concerning remediation of site soils contaminated with Benzo(a)pyrene, Dibenzo(a,h)anthracene, Arsenic, and Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Kunsman Property**, 250 East Broad Street, Bethlehem City, **Northampton County**. J. Rockwood and Associates, Inc., PO Box 1006, Easton, PA 18044, on behalf of Terry and Linda Kunsman, 250 East Broad Street, Bethlehem, PA 18018, submitted a Final Report concerning remediation of site soils contaminated with fuel oil #2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Finkle Diesel Release**, shoulder of Interstate 80 Eastbound at mile marker 247.9, Nescopeck Township, **Luzerne County**. Envirosearch Consultants, PO Box 940, Springhouse, PA 19477, on behalf of Clifford B. Finkle, Jr Trucking, 435 Allwood Road, Clifton, NJ 07012, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Northwest Elementary School/Lebanon School District**, Old Forge Road, Lebanon, PA 17042, City of Lebanon, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Lebanon School District, 1000 South 8th Street, Lebanon, PA 17042 and Aspens, Inc., 411 Chestnut Street, Lebanon, PA 17042 submitted a Cleanup Plan for site soils and groundwater contaminated with metals and SVOCs. The site is being remediated to the Site Specific Standard.

**Marstellar Oil Company/Ryan Glenn Property**, 3510 North 3rd Street, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of Ryan Glenn, 3510 North 3rd Street,

Harrisburg, PA 17110; Marstellar Oil Company, 2011 State Road, Duncannon, PA 17020; and Rapid Response, 14 Brick Kiln Court, Northampton, PA 18067, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Eckert Residence**, 786 Blooming Grove Road, Hanover, PA 17331, Penn Township, **York County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of State Farm Insurance, PO Box 106110, Atlanta, GA 30348-6110, and Wade and Tammy Eckert, 786 Blooming Grove Road, Hanover, PA 17331, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Waterford Dollar General**, 12674 State Route 19, Waterford Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Midwest XV, LLC, 403 Oak Street, Spring Lake, MI 49456, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl-tert-butyl-ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,2-Dichloroethane, Xylenes 1,2-Dibromoethane and Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**BMCA Quakertown, Inc.**, 60 Pacific Drive, Richland Township, **Bucks County**. Andrew R. Fetterman, P.G., Liberty Environmental, 5 North 5th Street, Reading, PA 19601 on behalf of Ray Merrell, BNCA Quakertown Inc., One Campus Drive, Parsippany, NJ 07054 has 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 Statewide Health Standard. PF784411.

**7165 Keystone Road**, 7165 Keystone Road, City of Philadelphia, **Philadelphia County**. Christopher Thoeny, Environmental Alliance Inc., 5341 Limestone Road, Wilmington, DE 19808 on behalf of William Liss, Keystone Lofts Associates, L.P., P. O. Box 769, Gladwyne, PA 19035 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with toluene, 1, 1-DCE. The report is intended to document remediation of the site to meet the Site Specific Standard. PF619329.

**Harper Residence**, 27 Boston Ivy Road, Bristol Township, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm Insurance Company, PA Fire Claims, P. O. Box 106169, Atlanta, GA 30348-6169 on behalf of Frank Harper Jr. and Laura Harper has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF759835.

**Flamer Residence**, 553 East Chestnut Street, City of Coatesville, **Chester County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P. O. Box 629, Douglasville, PA 19518, Gregory Woerth,



Whitelock and Woerth, Inc., 1220 Georgetown Road, Christinana, PA 17509 on behalf of Darryl Flamer, 583 East Chestnut Street, Coatesville, PA 19320 has 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 Statewide Health Standard. PF803437.

**Sears Logistics Service Terminal Freight**, 3820 North 2nd Street, City of Philadelphia, **Philadelphia County**. Heidi Gahnz, Resource Control Consultants, LLC, P. O. Box 180, Moorestown, NJ 08057 on behalf of Scott Taylor, Sears Holdings Management Corporation, Department 766X, 3333 Beverly Road, B5-335A, Hoffman Estates, IL 60179 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil and benzene, naphthalene, MTBE, fluorine, phenanthrene. The report is intended to document remediation of the site to meet the Site Specific Standard. PF619022.

**Speedi King**, 249 Lancaster Avenue, East Whiteland Township, **Chester County**. Dave Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Frank King Jr., Estate of Frank King, Jr., 417 Water Dam Road, Waynesburg, PA 15370, Christina Rubel, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19320 on behalf of Glenn King, 675 Eat Reeceville Road, Coatesville, PA 19320 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard. 785201.

**Wright Sales & Services Inc.**, 636—638 Markley Street, Norristown Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of John Wright, Wright Sales & Services, Inc., 638 Markley Street, Norristown, PA 19401 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with lead and benzo(a)pyrene. The report is intended to document remediation of the site to meet the Site Specific Standard. PF808405.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act

for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Metso Minerals Industries, Inc.**, 350 Railroad Street, Danville, **Montour County**. ELM Energy, LLC, 60 State Street, Suite 201, Peoria, IL 61602, on behalf of Metso Minerals Industries, Inc., 350 Railroad Street, Danville, PA 17821 has submitted a Final Report concerning the remediation of site soil & groundwater contaminated with Petroleum Hydrocarbons & Volatile Organic Compounds. The Final Report was approved by the Department on February 18, 2016.

**Weis Markets**, 238 Chestnut Street, Mifflinburg Borough, **Union County**. Mountain Research, LLC 825 25th Street, Altoona, PA 16602, on behalf of Weis Markets, 1000 South Second Street, Sunbury, PA 17801 submitted a Remedial Investigation Report concerning the remediation of soil and groundwater contaminated with petroleum constituents. The Report was approved by the Department on December 5, 2015.

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

**Schoonover House**, Community Drive, Middle Smithfield Township, **Monroe County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of US Dept. of Interior—NPS, 1978 River Road, Bushkill, PA 18324, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and Cumene. The Final Report demon-

strated attainment of the Statewide Health Standard, and was approved by the Department on April 11, 2016.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Sunoco Service Station**, 92 West King Street, Shipensburg Borough, **Cumberland County**. Mulry & Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Sunoco, Inc. (R & M), Two Fifth Street, Herminie, PA 15637, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The Report and Plan were disapproved by the Department on April 8, 2016.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Sherwood Valve—Washington Plant** (formerly Superior Valve/Amcast) 2200 North Main Street, Washington, 15301, Chartiers Township, **Washington County**. Woodard & Curran, 300 Penn Center Blvd., Suite 800, Pittsburgh, PA 15235 on behalf of Sherwood Valve, LLC, 2200 North Main Street, Washington, PA 15301, submitted a Final Report concerning remediation of site groundwater contaminated with Trichloroethene, cis-1,2-Dichloroethene, trans-1-2-Dichloroethane, vinyl chloride and Tetrachloroethene and site soil contaminated with Tetrachloroethane. The Final report demonstrated attainment of the Site-Specific standard for soil and groundwater for non-residential use and was approved by the Department on April 5, 2016.

**N. H. Weidner, Inc.**, 4868—4870 McKnight Road, Ross Township, **Allegheny County**. CORE Environmental Services, Inc., 4068 Mt. Royal Boulevard, Gamma Building, Suite 225, Allison Park, PA 15101 on behalf of N.H. Weidner, Inc., 2425 Huntington Drive, Pittsburgh, PA 15241 submitted a Cleanup Plan concerning site soils and groundwater contaminated with chlorinated volatile organic compounds. The Cleanup Plan was approved by the Department on April 5, 2016.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Wright Sales & Services Inc.**, 636—638 Markley Street, Norristown Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of John Wright, Wright Sales & Services, Inc., 638 Markley Street, Norristown, PA 19401 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with lead and benzo(a)pyrene. The Remedial Investigation and Final Report were approved by the Department on March 18, 2016. PF808405.

**BMCA Quakertown, Inc.**, 60 Pacific Drive, Richland Township, **Bucks County**. Andrew R. Fetterman, P.G., Liberty Environmental, 5 North 5th Street, Reading, PA 19601 on behalf of Ray Merrell, BNCA Quakertown Inc., One Campus Drive, Parsippany, NJ 07054 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 4, 2016. PF620306.

**Lima Precision Manufacturing Company**, 1640 Loretta Avenue, Lower Southampton Township, **Bucks County**. Stacie Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Katherine and Anton Maurus c/o H. Kenneth Tull, Esq. Thistie, More, Rosser & Tull, 1900 Spruce Street, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final report demonstrated attainment of the Statewide Health and was approved by the Department March 28, 2016. PF807479.

**Mast II Charter School**, 6501 New State Road, City of Philadelphia, **Philadelphia County**. Joanne Van Rensselaer, Envirosearch, P. O. Box 940, Springhouse, PA 19477, Ken DAurizio, 6501 NSR LLC, 765b Birch Avenue Bensalem, PA 19020 on behalf of John Parson or Charles Calvensse, 6501 ZNSR LLC, 735 Birch Avenue, Bensalem, PA 19020 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site groundwater contaminated with lead and nickel and other organics. The Remedial Investigation and Cleanup Plan were approved by the Department on March 17, 2016. PF805549.

**Sunoco Inc. R&M Philadelphia Refinery AO1-9**, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Jennifer Menges, Stantec, 1060 Andrew Drive, Suite 140, West Chester, PA 19380, Charles Barksdale Jr. Philadelphia Energy Solutions, Refining and Marketing LLC, 3144 Passyunk Avenue, Philadelphia, PA 19145 on behalf of James Oppenheim, Evergreen Resources Management Operations, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead and other organic. The Remedial Investigation was disapproved by the Department on March 28, 2016. PF 778379.

**Holefelder Residence**, 402 Pomeroy Street, Ridley Park Borough, **Delaware County**. Michael Kern, P.G., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of George and Janice Holefelder, 401 Pomeroy Street, Ridley Park, PA 19020 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 23, 2016. PF804651.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

*Hazardous Waste Transporter License Voluntarily Terminated*

**TMC Services, Inc. dba TMC Environmental**, 19 National Dr., Franklin, MA 02038. License No. PA-AH 0781. Effective Apr 07, 2016.

*New Applications Received*

**TCI of NY, LLC**, PO Box 396, Coeymans, NY 12045. License No. PA-AH 0842. Effective Apr 11, 2016.



**REGULATED MEDICAL AND  
CHEMOTHERAPEUTIC WASTE TRANSPORTER  
LICENSE**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P. L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

**BOND RELEASED**

**Bond released under the Solid Waste Management Act and regulations to operate a municipal or residual waste facility.**

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Braddock Tire Processing Facility**, 100 Talbot Avenue and the former Woodlawn Avenue Waste Tire Storage Site, between 9th and 11th Streets, Braddock Borough, **Allegheny County**. The Department of Environmental Protection (DEP) is proposing to release \$71,400 in bond liability for Liberty Tire Services of Ohio, LLC for clean closure and bond release of its Tire Processing and Storage Facility operating under site specific Residual Waste General Permit #WMGR038SW008, Allegheny County, Pennsylvania.

Comments will be accepted on this request for up to 30 days from the date of the notice. Comments should be submitted to the DEP office listed above.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit(s) issued Under the Solid Waste Management Act, 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.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 301331. Talen Generation, LLC**, 835 Hamilton Street, Suite 150, Allentown, PA 18101, Monroe Township, **Snyder County**. Reissuance of a Waste Management permit for Sunbury Ash Basin #2, a closed residual waste disposal site. This reissuance is for an ownership change from PPL Generation to Talen Generation, LLC. The permit was issued by Northcentral Regional Office on April 5, 2016.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**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.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531*

**GP9-58-014A: Popple Construction, Inc** (215 E. Saylor Avenue, Laflin, PA) on April 6, 2016, for the construction and operation of (1) One Cummins Engine, Model QSC8.3 (240 BHP) at their Rushville Aggregates Quarry facility in Rush Township, **Susquehanna County**.

**GP3-64-008: E.R. Linde Construction Inc.** (9 Collan Park, Honesdale, PA 18431) on April 1, 2016 for the construction and operation of a Portable Crushing Operation with watersprays at the site located in Palmyra Twp., **Wayne County**.

**GP9-64-008: E.R. Linde Construction Inc.** (9 Collan Park, Honesdale, PA 18431) on April 1, 2016 for the installation and operation of Diesel I/C engines located at the site located in Palmyra Bridgewater Twp., **Wayne County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**GP14-21-03099: Hollinger Pet Crematory, Inc.** (411 Zion Road, Carlisle, PA 17015) on April 5, 2016, for an existing animal crematory unit at the facility located in South Middleton Township, **Cumberland County**. The general permit authorization was renewed.

**GP3-36-03201A: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on April 5, 2016, for the installation and operation of portable nonmetallic mineral processing equipment, under GP3, at the Allan Myers Paradise Quarry located in Paradise Township, **Lancaster County**.

**GP11-36-03201A: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on April 5, 2016, for the installation and operation of five nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment at the Allan Myers Paradise Quarry located in Paradise Township, **Lancaster County**.

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

**GP3-63-00903B: K&P Asphalt, Inc.** (79 Skyline Drive, Hickory, PA 15340) on April 12, 2016, to allow the installation and/or operation of a portable nonmetallic mineral processing plant consisting of one two crushers, two vibratory screens, and associated conveyors at the Langeloth Plant, located in Smith Township, **Washington County**.

**GP11-63-00903: A&P Asphalt, Inc.** (79 Skyline Drive, Hickory, PA 15340) on April 12, 2016, to allow the

installation and operation of one nonroad diesel-fired engine rated at 325 bhp at the Langeloth Plant, located in Smith Township, **Washington County**.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**GP1-10-404A: ETC Northeast Pipeline, LLC, Breakneck Heater Station** (Hartmann Road & PA-68 East, Butler, PA 16001) on April 7, 2016, for the authority to construct and/or operate three (3) natural gas fired combustion units manufactured by Maxon Corporation, XPO Burners, each rated 26.4 MMBtus/hr (NG) (BAQ-GPA/GP-1) located at their facility in Jackson Township, **Butler County**.

**GP5-10-404B: ETC Northeast Pipeline, LLC, Breakneck Heater Station** (Hartmann Road & PA-68 East, Butler, PA 16001) on April 7, 2016, for the authority to construct and/or operate a pigging operation, one (1) flare with an estimated 98% control efficiency, rated 65 scfh, Flare ID: FLR-001, and one (1) 4,200 gallons produced water storage, Tank ID: T-001 (BAQ-GPA/GP-5) located at their facility in Jackson Township, **Butler County**.

**GP5-27-026B: Pennsylvania General Energy Company, LLC, TB-8 Compressor Station** (FR 101, Marienville, PA) on April 4, 2016, for the authority to construct and/or operate one (1) lean burn compressor engine, Ajax DPC-140LE, Rated 140 bhp at 400 rpm, one (1) 1,050 gallons produced water storage tank, Tank ID: T-001 (BAQ-GPA/GP-5) located at their facility in Howe Township, **Forest County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**40-00005C: UGI Development Company** (P. O. Box 224, 390 Route 11, Hunlock Creek, PA 18621) on April 5, 2016 for the modification to the CO emission limit for the following equipment: Two (2) GE LM6000 PC-Sprint CTGs and Two (2) supplementary natural gas-fired HRSGs with separate exhaust stacks (one for each Combustion Turbine (“CT”)) at its facility in Hunlock Township, **Luzerne County**.

**66-00001E: Proctor and Gamble Paper Products Co.** (P. O. Box 32, State Route 87 South, Mehoopany, PA 18629) On April 5, 2016 for the removal of two (2) diaper lines and replacing them with two (2) new diaper lines and the modifications to the current air control devices for the diaper lines at their facility in Washington Township, **Wyoming County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**01-05033B: Knouse Foods Cooperative, Inc.** (800 Peach Glen-Idaville Road, Peach Glen, PA 17307) on April

5, 2016, for construction of a combined heat and power (CHP) project to include an anaerobic digester, combustion flare, IC engine/generator set and catalytic oxidizer at their Peach Glen facility in Huntington Township, **Adams County**.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**43-377A: Austin Rubber Company, LLC** (93 Werner Rd, Greenville, PA 16125) on April 4, 2016, has issued a plan approval for the installation and operation of a rubber devulcanization facility in Sugar Grove Township, **Mercer County**. This will be a non-Title V facility. Sources will include rubber sorting equipment, natural gas combustion equipment (total output approximately 30 MMBtus/hr), VOC containing tanks, and VOC emitting processes. Emissions will be controlled through combustion technology, exhaust stream condensers, and a cold scrubber.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920*

**09-0007C: Waste Management, GROWS North** (1000 New Ford Mill Road, Morrisville, PA 19067) On April 8, 2016 for construction and use of landfill gas collection and treatment system and pipeline in Falls Township, **Bucks County**.

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

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

**47-00001D: Montour LLC** (PO Box 128, Washingtonville, PA 17884) on April 4, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 16, 2016 to October 13, 2016, at their Montour SES facility located in Derry Township, **Montour County**. The plan approval has been extended.

**47-00001E: Montour LLC** (PO Box 128, Washingtonville, PA 17884) on April 4, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 27, 2016 to October 24, 2016, at their Montour SES facility located in Derry Township, **Montour County**. The plan approval has been extended.

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

**65-00979A: Laurel Mountain Midstream Operating, LLC** (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) Extension effective April 11, 2016, to extend the period of temporary operation of the Caterpillar G3612LE lean burn natural gas-fired compressor engine rated at 3,550 bhp and controlled by an oxidation catalyst authorized under plan approval



PA-65-00979A at the Herminie Compressor Station located in South Huntingdon Township, **Westmoreland County**.

**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**10-00037: Sonneborn, Inc., Petrolia Plant** (100 Sonneborn Lane, Petrolia, PA 16050) on April 6, 2016, the Department re-issued the Title V Operating Permit for this petroleum products processing facility is being proposed for re-issued. The facility is located in the Borough of Petrolia, **Butler County**.

This facility is classified as a major source due to the potential to produce NO<sub>x</sub>, VOC, and CO emissions.

The average emissions from this facility, based on actual emissions from the years of 2012, 2013, and 2014, are as follows. (All values are in tons/year.) PM<sub>10</sub> = 11.80, SO<sub>x</sub> = 6.25, NO<sub>x</sub> = 99.64, CO = 40.98, VOC = 33.23, and Total HAPs = 4.49.

**10-00285: Waste Management Disposal Services of Pennsylvania, Inc.** (1436 West Sunbury Road, West Sunbury, PA 16061) on March 30, 2016, the Department renewed the Title V permit for the municipal waste landfill located in Clay Township, **Butler County**. The facility's emission sources include a municipal waste landfill, a diesel fueled emergency generator, and an odor neutralizing system. The facility is not a major source for any criteria pollutants. The facility is considered a Title V facility under paragraph (iv) of 25 Pa. Code § 121.1. Actual reported emissions for the facility for 2014 were: 2.4 tons NO<sub>x</sub>; 13 tons SO<sub>x</sub>; 0.50 tons CO; 1.45 tons PM<sub>10</sub>; 10.36 tons VOCs; 0.49 tons all HAPs combined; and 36,861 tonnes CO<sub>2</sub>e. This facility is subject to 40 CFR Part 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills. It is also subject to 40 CFR Part 63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The emergency engine is subject to 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit.

**27-00015: Tennessee Gas Pipeline Company-Station 307** (State Highway 66, Marienville, PA 16239) on April 6, 2016, for renewal of the Title V Operating Permit. The facility is located in the Howe Township, **Forest County**. Tennessee Gas Pipeline Company—Station #307 transports natural gas through a system of compressors and pipeline. The emitting sources at the facility are: a) 2B Boiler b) A1C 2000, Horse Power (HP) Pipeline Compressor Engine, c) A2C 2000 HP Pipeline Compressor Engine, d) A3C 2000 HP Pipeline Compressor Engine, e) A4C 2000 HP Pipeline Compressor Engine, f) A5C 2000 HP Pipeline Compressor Engine, g) A6C 2000 HP Pipeline Compressor Engine, h) A1 AUX 408 HP Electric Emergency Power Generating Set, i) A2 AUX 370 HP Electric Emergency Power Generating Set, j) Combined Miscellaneous Natural Gas Sources, k) Fugitive Natural Gas Leaks and Venting and, l) Two degreasers.

Source IDs: 137 and 138: The emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the permit. The potential emission summaries submitted by the facility in the permit renewal application are Oxides of Nitrogen (NO<sub>x</sub>): 956.9 Tons per year (TPY), Carbon Monoxide (CO) 354.9 TPY, Volatile Organic Compound (VOC) 72.0 TPY, Oxides of Sulfur (SO<sub>2</sub>) 0.4 TPY, Particulate Matters Less Than 10 Microns (PM<sub>10</sub>) 17.5 TPY, Hazardous Air Pollutants (HAP): 58.7 TPY, and, Formaldehyde (HCHO) 37.3 TPY.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940*

**33-00172: Original Fuels, Inc.** (PO Box 343, Punxsutawney, PA 15767) on March 22, 2016, the Department renewed the State Only Operating Permit for the Hamilton 2 Mine stone crushing & processing plant located in Perry Township, **Jefferson County**. The primary sources at the facility are 2 stone crushing and screening plants each rated at 200 tph and 2 diesel engine generators rated at 563 hp and 623 hp. The facility is a Natural Minor. Potential emissions are 4.52 tpy NO<sub>x</sub>; 0.63 tpy SO<sub>x</sub>; 17.83 tpy PM; 0.5 tpy CO; and 1.20 tpy VOC. Both engines are subject to an operating hour restriction of 1,700 hours per year. The plant is subject to 40 CFR Part 60 Subpart OOO, the Standards of Performance for Nonmetallic Mineral Processing Plants. And the engines are subject to 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60 Subpart III, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The facility also subject to the conditions of the previously issued plan approvals and operating permits. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**62-00035: IA Construction Corporation** (PO Box 568, Franklin, PA 16323) on March 31, 2016, the Department renewed the State Only Operating Permit for the Warren Hot Mix Asphalt Plant located in Conewango Township, **Warren County**. The facility is a Synthetic Minor. The primary sources at the facility include a Batch Hot Mix Asphalt Plant with maximum throughput rate of 240 tons asphalt per hour and a Portable Crushing Plant with a maximum throughput of 150 tons of crushed material per hour. The portable crushing plant is powered by a Nonroad diesel-fueled engine. The asphalt plant is restricted to a production limit of 495,000 tons of hot asphalt paving materials per year. Reported emissions for 2014 were: 22.08 tons CO; 3.12 tons NO<sub>x</sub>; 7.81 tons PM<sub>10</sub>; 0.00 ton PM<sub>2.5</sub>; 0.25 tons SO<sub>x</sub>; 0.45 ton VOC; 0.59 tons HAPs; 2,360.22 tons CO<sub>2</sub>; 0.04 ton methane; and 0.04 ton nitrous oxide. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**59-00017: Waupaca Foundry, Inc.** (18986 Route 287, Tioga, PA 16946), issued a revised State Only operating permit on April 5, 2016 for a change of ownership of the Lawrenceville facility from Hitachi Metals Automotive Components USA, LLC to Waupaca Foundry, Inc. This facility is located in Lawrence Township, **Tioga County**. This revised operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

The Department has reviewed a de minimis emission increase submittal (via Request For Determination) from Coresco, LLC (103 Corporate Drive, Suite 102, Morgantown, WV 26505) for a proposed throughput increase in coal throughput from 3.0 million tpy to 4.0 million tpy on a 12-month rolling basis at their Dooley Run Terminal located in Dunkard Township, **Greene County**.

The facility currently operates under State Only Operating Permit 30-00177. The Department hereby approves the de minimis emission increase and is requiring modification of the operating permit via renewal prior to implementation of the production increase. This emission increase is exempt from plan approval as it complies with 25 Pa. Code § 127.449. This is the first de minimis emission increase which has occurred since their current Operating Permit was issued on May 22, 2012. Emissions are estimated to increase by 0.3 tpy PM<sub>10</sub> a result of this project.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

*Coal Permits Issued*

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

**30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Center and Wayne Townships, **Greene County** and related NPDES permit for the No. 8 Bleeder Shaft Facility and add NPDES discharge point 039. Surface Acres Proposed 108.75. Receiving Stream: Tributary to Roberts Run Creek, classified for the following use: WWF. The application was considered administratively complete on January 27, 2016. Application received November 16, 2015. Permit issued April 6, 2016.

**30841307 and NPDES No. PA0213438. Emerald Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** and related NPDES permit for stream restoration to eliminate pooling in Jackson Run. No additional discharges. The application was considered administratively complete on August 27, 2015. Application received May 4, 2015. Permit issued April 6, 2016.

**11141301 (formerly 11031701) and NPDES No. PA0235601. ArcelorMittal Pristine Resources, LLC**, (129 Bethlehem Road, PO Box 36, Revloc, PA 15948). To renew the permit for the Mine 31 AMD Plant in Jackson Township, **Cambria County**. No additional discharges. The application was considered administratively complete on December 7, 2015. Application received July 24, 2014. Permit issued April 7, 2016.

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

**17130103 and NPDES PA0269557. Waroquier Coal, Inc.** (P. O. Box 128, Clearfield, PA 16830). Permit revision to add 3.6 acres to permit area and to mine within the 100 foot barrier to Township Road T-521 on a bituminous surface mine in Lawrence Township, **Clearfield County** affecting 29.6 acres. Receiving stream(s): Orr's Run to West Branch Susquehanna River classified as CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 3, 2015. Permit issued: April 4, 2016.

**17080109 and NPDES PA0256838. Corey L. Shawver DBA Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Permit renewal for continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 164.9 acres. Receiving stream(s): Unnamed Tributary to Beaver Run and Japling Run classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: September 30, 2015. Permit issued: April 4, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 35910102R4. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite anthracite surface mine operation in Archbald Borough, **Lackawanna County** affecting 1,000.3 acres, receiving streams: Indian Cave Creek and White Oak Run. Application received: March 6, 2013. Renewal issued: April 6, 2016.

**Permit No. 35910102C6. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), correction to update the post-mining land use to unmanaged natural



habitat of an existing anthracite surface mine operation in Archbald Borough, Lackawanna County affecting 1,000.3 acres, receiving streams: Indian Cave Creek and White Oak Run. Application received: March 6, 2013. Permit issued: April 6, 2016.

**Permit No. 35910102GP104. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35910102 in Archbald Borough, **Lackawanna County**, receiving streams: Indian Cave Creek and White Oak Run. Application received: March 6, 2013. Permit issued: April 6, 2016.

**Permit No. 40663027R6. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Hazle Township, **Luzerne County** affecting 154.9 acres receiving stream: Black Creek. Application received: January 19, 2016. Renewal issued: April 6, 2016.

**Permit No. 40663027C17. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to update the post-mining land use to unmanaged natural habitat of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Hazle Township, **Luzerne County** affecting 154.9 acres receiving stream: Black Creek. Application received: January 19, 2016. Renewal issued: April 6, 2016.

**Permit No. 40663027GP104R. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40663027 in Hazle Township, **Luzerne County**, receiving stream: Black Creek. Application received: January 19, 2016. Renewal issued: April 6, 2016.

**Permit No. 35840203R6. CSY, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in City of Scranton and Taylor Borough, **Lackawanna County** affecting 61.5 acres, receiving stream: Lackawanna River. Application received: March 17, 2014. Renewal issued: April 11, 2016.

**Permit No. 35840203GP104R, CSY, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35840203 in City of Scranton and Taylor Borough, **Lackawanna County**, receiving stream: Lackawanna River. Application received: March 17, 2014. Renewal issued: April 11, 2016.

#### *Noncoal Permits Issued*

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

**3378NC17 and NPDES Permit No. PA0592579. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Renewal permit issued for continued operation and restoration to an existing large noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 73.57 acres. Receiving streams: unnamed tributary to Connell Run and Connell Run. Application received: September 2, 2015. Permit issued: April 4, 2016.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 36164122. Abel Construction Co., Inc.**, (PO Box 476, Mountville, PA 17554), construction blasting for Southern Village in Lancaster Township, **Lancaster County** with an expiration date of March 30, 2017. Permit issued: April 6, 2016.

**Permit No. 46164104. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Center Square Commons in Whitpain Township, **Montgomery County** with an expiration date of March 31, 2017. Permit issued: April 6, 2016.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511*

**E40-772. Mark and Molly Davies**, P. O. Box 296, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 520 sq. ft. expansion of an existing 526 sq. ft. pile-supported boat dock within the basin of Harveys Lake (HQ-CWF). The expanded boat dock will include an approximate 200 sq. ft. open-front pavilion with kitchen and bathroom facilities. The project is located approximately at Pole 227, Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 52.1"; Longitude: -76° 2' 43.6") Harveys Lake Borough, Luzerne County. Subbasin: 4G.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E65-975, Carnegie Institute**, 4400 Forbes Avenue, Pittsburgh, PA 15213, Cook Township, **Westmoreland County**, ACOE Pittsburgh District.

Has been given consent to:

Construct and maintain a 40 foot span steel foot bridge across Powdermill Run (HQ-CWF) which will result in a permanent impact of 5 linear feet to Powdermill Run. The purpose is to connect a new educational trail at the Powdermill Nature Reserve, located near the intersection of State Route 381 and Powdermill Run Road (Quadrangle: Stahlstown; Latitude: 40° 9' 4"; Longitude: -79° 16' 10"; Sub-basin: 18C), in Cook Township, Westmoreland County.

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

**E5929-055: Talisman Energy USA, Inc**, 337 Daniel Zenker Drive, Horseheads, NY 14845, Bloss and Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) A 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 125 square feet of an exceptional value palustrine emergent and forested (EV-PEM/PFO) wetland via an HDD Bore (Blossburg, PA Quadrangle 41°37'38"N, 77°07'06"W);

(2) A 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 10 linear feet of Bellman Run (CWF) via an HDD Bore (Blossburg, PA Quadrangle 41°37'33"N, 77°07'02"W);

(3) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 777 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N, 77°06'03"W);

(4) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 617 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 1,170 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°38'16"N, 77°06'01"W);

(5) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 617 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 64 linear feet of an unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°38'16"N, 77°06'00"W);

(6) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 52 linear feet of an unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°38'16"N, 77°05'59"W);

(7) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 61 linear feet of an unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°38'17"N, 77°05'59"W);

(8) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 71 linear feet of an unnamed tributary to Bellman Run (CWF) and 43 linear feet of another unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°38'16"N, 77°05'54"W);

(9) A 12 inch diameter gas pipeline and an 8 inch diameter waterline and a temporary road crossing using timber matting impacting 86 linear feet of Long Run (CWF) (Blossburg, PA Quadrangle 41°38'18"N, 77°04'40"W);

(10) A temporary road crossing impacting 18 linear feet of an unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°37'45" N 77°05'16"W);

(11) A temporary road crossing using timber matting impacting 56 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°37'41"N 77°05'11"W).

The project will result in 395 linear feet of temporary stream impacts, 2,128 (0.05 acre) square feet of temporary wetland impacts, and 1,234 (0.03 acre) square feet of permanent wetland impacts all for the purpose of installing a natural gas pipeline in Bloss and Liberty Township, Tioga County.

**E4129-097: Anadarko E&P Onshore LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) fill for a permanent access road impacting 125 square feet of palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'24"N 76°50'00"W);

2) fill for a permanent access road impacting 125 square feet of palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'23"N 76°50'01"W);

3) fill for a permanent access road impacting 119 square feet of a palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'22"N 76°50'01"W);

4) fill for a permanent access road impacting 308 square feet of palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'21"N 76°50'01"W);



5) fill for a permanent access road impacting 411 square feet of palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'16"N 76°49'59"W);

6) a 46-foot-long 24-inch-diameter culvert, a 38-foot-long 24-inch-diameter culvert, and associated fill for a permanent access road impacting 94 linear feet of unnamed tributaries to Engle Run (EV) and 3,103 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'04"N 76°49'56"W);

7) a 42-foot-long 36-inch-diameter culvert and associated fill for a permanent access road impacting 64 linear feet of an unnamed tributary to Engle Run (EV) and 406 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°26'55"N 76°49'56"W);

8) a 32-foot-long 18-inch-diameter culvert and associated fill for a permanent access road impacting 53 linear feet of an unnamed tributary to Engle Run (EV) and 861 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°26'54"N 76°49'54"W);

9) an 18-inch diameter culvert and associated fill for a permanent access road impacting 694 square feet of palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°26'54"N 76°49'53"W);

10) a 40-foot-long 18-inch-diameter culvert and associated fill for a permanent access road impacting 27 linear feet of an unnamed tributary to Engle Run (EV) and 868 square feet of adjacent palustrine forested (PFO) wetlands (Barbours, PA Quadrangle 41°26'53"N 76°49'51"W);

11) a 40-foot-long, 36-inch-diameter culvert and associated fill impacting 68 linear feet of an unnamed tributary to Engle Run (EV, MF) and 546 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°26'44"N 76°49'47"W).

The project will result in a total of 306 linear feet of stream impacts and an additional 0.17 acre wetland impacts all for the purpose of installing a permanent access roadway to a natural gas well site for Marcellus well development.

#### WATER QUALITY CERTIFICATIONS REQUESTS

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

Certification Request initiated by **Tennessee Gas Pipeline Company, L.L.C.**, 1001 Louisiana Street, Suite 1460A, Houston, Texas 77002-5089. Susquehanna West Project, in Shippen, Chatham, Delmar, Middlebury and Charleston Townships, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Lat: 41° 49' 32"; Long: -77° 27' 46").

**WQ04-002.** The proposed project consists of two separate loops: A western loop, approximately 6.2 miles in length, located west of Compressor Station 315 ("CS 315") in Shippen, Middlebury, Delmar and Charleston Townships; and an eastern loop, approximately 1.9 mile in length, located immediately east of CS 315 in Charleston Township. The project will also be modifying one existing compressor station CS 315—Charleston Township.

On April 2, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-148-000). The FERC Environmental Assessment for the Project, which was issued on March 17, 2016, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-148-000).

On February 17, 2016, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C. § 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 consists of two separate loops: A western loop, approximately 6.2 miles in length, located west of Compressor Station 315 ("CS 315") in Shippen, Middlebury, Delmar and Charleston Townships; and an eastern loop, approximately 1.9 mile in length, located immediately east of CS 315 in Charleston Township. The project will also be modifying one existing compressor station CS 315—Charleston Township. The project as proposed will require approximately 136.1 acres of earth disturbance. The total estimated stream impacts for the project are approximately 3,524 ft<sup>2</sup> of permanent impacts. The total estimated wetland impacts for the project are approximately 75,800 ft<sup>2</sup> (1.74 acre) of permanent impacts and 24,400 ft<sup>2</sup> (0.56 acre) of temporary impacts. Bear Wallow Branch, Left Straight Run, Wildcat Hollow and Right Straight Run are classified with a designated use of High Quality—Cold Water Fishery (HQ-CWF) and with an existing use of Exceptional Value (EV).

The Department anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department 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 at all times properly operate and maintain all Project facilities and systems of

treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Northcentral Regional Office, Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands, 201 West Third Street, Suite 101, Williamsport, PA 17701

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final state water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Comments should be directed to Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

### **Water Quality Certification under Section 401 of the Federal Clean Water Act for the Atlantic Sunrise Pipeline Project**

#### **Natural Gas Pipeline Project and Related Mitigation; FERC Docket No. CP15-138-000; PADEP File No. WQ02-001**

*Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18711, Joseph Buczynski, Program Manager 570-826-2511*

On April 5, 2016, the DEP issued Section 401 Water Quality Certification to Transcontinental Gas Pipe Line Company, LLC for the Atlantic Sunrise Pipeline Project. The Pennsylvania Department of Environmental Protection (Department) 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 Department further certifies that the construction, operation and maintenance of the projects complies with Commonwealth water quality standards and that the construction, operation and maintenance of the projects does not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the projects complies with the conditions for this certification, including the criteria and conditions of the following permits:

1. *Discharge Permit*—Transcontinental Gas Pipe Line Company, LLC shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Transcontinental Gas Pipe Line Company, LLC shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Transcontinental Gas Pipe Line Company, LLC shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.) and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department 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 Transcontinental Gas Pipe Line Company, LLC.

5. *Operation*—For each Project under this certification, Transcontinental Gas Pipe Line Company, LLC shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related



appurtenances) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. 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 Transcontinental Gas Pipe Line Company, LLC.

6. *Inspection*—The Projects, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this Certification, including all required permits required, and Pennsylvania's Water Quality Standards. A copy of this Certification shall be available for inspection by the Department during such inspections of the Projects.

7. *Transfer of Projects*—If Transcontinental Gas Pipe Line Company, LLC intends to transfer any legal or equitable interest in the Projects which is affected by this Certification, Transcontinental Gas Pipe Line Company, LLC shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this Certification shall be addressed to the Department of Environmental Protection, Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

9. *Reservation of Rights*—The Department may suspend or revoke this Certification if it determines that Transcontinental Gas Pipe Line Company, LLC has not complied with the terms and conditions of this Certification. The Department may require additional measures to achieve compliance with applicable law, subject to Transcontinental Gas Pipe Line Company, LLC's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve Transcontinental Gas Pipe Line Company, LLC from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

Any person aggrieved by this action may 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, PO 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 receipt of written notice of this action 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 document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the secretary to the board (717-787-3483) for more information.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D51-012. East Park Reservoir Dam**, Aramark Tower, 2nd Floor, 1101 Market Street, Philadelphia, PA 19103. Permit issued to modify, operate, and maintain East Park Reservoir Dam within Schuylkill River Watershed, for the purpose of meeting the Commonwealth's regulations (Philadelphia, PA Quadrangle Latitude: 35.985833; Longitude: -75.188333) in Philadelphia City, **Philadelphia County**.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012516001	EQM Gathering OPCO, LLC 625 Liberty Avenue Suite 1700 Pittsburgh, PA 15222	Washington County	Amwell Township, North Bethlehem Township, Somerset Township, and South Strabane Township	Pigeon Creek (WWF), Little Chartiers Creek (HQ-WWF), Redd Run (WWF), Shipe Run (WWF), Little Tenmile Creek (TSF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESG29-115-16-0003

Applicant Name Cabot Oil & Gas Corp

Contact Person Kenneth Marcum

Address 2000 Park Lane, Suite 300

City, State, Zip Pittsburgh, PA 15275

County Susquehanna

Township(s) Jessup

Receiving Stream(s) and Classification(s) UNT to Roe Ck

(CWF), UNT to Middle Branch Wyalusing Ck (CWF)

Secondary—Roe Ck (CWF), Middle Branch Wyalusing  
Ck (CWF)

ESCGP-2 # ESX29-117-16-0018

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 2100 Georgetown Dr, Suite 400

City, State, Zip Sewickley, PA 15143

County Tioga

Township(s) Deerfield

Receiving Stream(s) and Classification(s) Windfall Brook

(WWF), Bulkley Ck (WWF), Yarnell Brook (WWF)

ESCGP-2 # ESG29-117-15-0044

Applicant Name Regency Marcellus Gas Gathering LLC

Contact Person Kevin Roberts

Address 101 W Third St

City, State, Zip Williamsport, PA 17701

County Tioga

Township(s) Blossburg Borough, Covington, Hamilton,

Liberty & Richmond Twps

Receiving Stream(s) and Classification(s) Taylor Run

(EV), Long Run (CWF), Dibble Run (EV), Tioga River

(CWF), Morris Run (CWF), Coal Ck (CWF), Bear Ck

(CWF), East Ck (EV), Wilson Ck (CWF), Canoe Camp

Ck (CWF)

ESCGP-2 # ESG29-117-16-0007

Applicant Name SWN Production Co LLC

Contact Person Jeff Whitehair

Address 917 SR 92 N

City, State, Zip Tunkhannock, PA 18657

County Tioga

Township(s) Liberty

Receiving Stream(s) and Classification(s) Little Fall Ck

(EV), Zimmerman Ck (EV), Long Run (EV)

ESCGP-2 # ESG29-117-16-0008

Applicant Name SWN Production Co LLC

Contact Person Jeff Whitehair

Address 917 SR 92 N

City, State, Zip Tunkhannock, PA 18657

County Tioga

Township(s) Liberty

Receiving Stream(s) and Classification(s) Little Fall Ck

(EV), Zimmerman Ck (EV), Long Run (EV)

ESCGP-2 # ESG29-081-16-0003

Applicant Name Anadarko E&P Onshore LLC

Contact Person Steve Barondeau

Address 33 W Third St, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming

Township(s) Cogan House

Receiving Stream(s) and Classification(s) UNT to Wendell

Run (HQ-CWF), UNT to Larrys Ck (EV)

Secondary—Wendell Run (HQ-CWF), Larrys Ck (EV)

ESCGP-2 # ESX11-035-0010

Applicant Name XTO Energy Inc

Contact Person Stacey Vehovic

Address 395 Airport Rd

City, State, Zip Indiana, PA 15701

County Clinton

Township(s) Chapman

Receiving Stream(s) and Classification(s) UNT to Dry

Run (HQ-CWF)

Secondary—Dry Run (HQ-CWF)

ESCGP-2 # ESG29-117-16-0006

Applicant Name HEP Tioga Gathering LLC

Contact Person Kevin Williams

Address 37 Fox Chase Dr

City, State, Zip Tunkhannock, PA 18848-9060

County Tioga

Township(s) Liberty

Receiving Stream(s) and Classification(s) Zimmerman Ck

(CWF), Blacks Ck (CWF)

## SPECIAL NOTICES

### Notice of Request for Proposals for Municipal Solid Waste Capacity for Bucks County

The following notice(s) 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.

In accordance with Act 101 and Section 272 of the PA Solid Waste Rules and Regulations (as amended), Bucks County is seeking waste disposal capacity for municipal waste (MSW) for a minimum of five (5) years, with an option to extend said capacity for an additional five (5) years, for a total of ten (10) years. Bucks County is also seeking information from other waste processing facilities (electronics, recycling, composting, food waste, construction and demolition, etc.). Bucks County is hereby soliciting responses to qualify facilities to provide processing/disposal capacity for County-generated MSW, to begin on or after October 1, 2017.

Copies of Bucks County's Facility Qualification Request (FQR) may be obtained from the Bucks County Planning Commission, The Almshouse, Neshaminy Manor Center, Doylestown, PA 18901, (215) 345-3400. All responses must be made on the Submittal Form and in accordance with the Instructions to Respondents provided in the FQR. The Respondent must submit the original and three (3) copies to the address listed above, Attention Art Feltes, by 3:00 p.m. EDT on June 1, 2016. Qualified facilities will be

notified once all applications have been reviewed by the Bucks County Solid Waste Advisory Committee.

Bucks County reserves the right to reject any or all responses and to waive any informalities in the solicitation process.

**Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Tri-County Bare Steel Pipeline Replacement Project**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman, 412-442-4000*

**PADEP File No. EA30-004, Columbia Gas Transmission, LLC** (Applicant), 1700 S MacCorkle Avenue, SE, Charleston, WV 25314. Tri-County Bare Steel Pipeline Replacement Project (Project), in **Greene, Washington and Allegheny Counties**, in ACOE Pittsburgh District. Within Greene County, this project begins approximately 0.25 mile south of the intersection between Hagan Creek Road and Hero Road (Wadestown, W.VA-PA USGS topographic quadrangle; Lat: 39° 43' 17.45" Long: -80° 21' 0.48", in Gilmore Township, Greene County, through Center and Wayne Townships (Holbrook, PA and Oak Forest, PA USGS topographic quadrangles), and ends approximately 0.32 mile East of where S.R. 18 crosses over South Fork Tenmile Creek (Waynesburg, PA USGS topographic quadrangle; Lat: 39° 53' 45.27"; Long: -80° 13' 2.09"), in Franklin Township, Greene County. Within Washington County, this project begins near the interchange between S.R. 40 and I-79 (Washington East, PA USGS topographic quadrangle; Lat: 40° 8' 53.01"; Long: -80° 12' 11.92"), in Amwell Township, Washington County, and continues, in discontinuous segments, through Canonsburg and Houston Boroughs, and Chartiers, North Strabane and South Strabane Townships, until a point that is approximately 0.5 mile NW of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Lat: 40° 20' 59.51"; Long: -80° 12' 14.91"), in Cecil Township, Washington County. Within Allegheny County, this project begins approximately 1,360' west of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Lat: 40° 21' 9.72"; Long: -80° 12' 14.42"), in South Fayette Township, Allegheny County, and ends near the intersection of North Branch Road and Third Ave (Oakdale, PA USGS topographic quadrangle; Lat: 40° 24' 45.58"; Long: -80° 12' 33.42"), in North Fayette Township, Allegheny County.

On February 20, 2015, applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-95-000). The FERC Environmental Assessment for the Project, which was issued on September 14, 2015, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-95-000).

On July 28, 2015, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C. § 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 proposed Project would include replacing 34 miles of 20-inch-diameter bare steel piping with coated steel pipeline at the following locations:

- Segment 1: replace approximately 14 miles with 14.9 miles from the Hero Valve to Waynesburg Compressor Station in Greene County.
- Segment 2: replace approximately 8 miles with 10.7 miles from the Redd Farm Station to Sharp Farm Station in Washington County.
- Segment 3: replace approximately 12 miles with 11.9 miles from the Sharp Farm Station in Washington County to the Walker Farm Station in Washington and Allegheny Counties.

The pipeline would also include associated appurtenant facilities including bi-directional pig launcher/receivers, cathodic protection, main line valves, and taps. Construction activities will occur within a 75'—100' right-of-way (ROW); however, a 50' permanent ROW will be maintained, post construction. Some segments of the existing 20" diameter bare steel pipe of the Line 1570 gas pipeline, will remain and be maintained within the existing right-of-way, where service will be abandoned. The Project, as proposed, will require approximately 484 acres of earth disturbance. In Greene County, this project will cumulatively impact approximately 4,643.79 linear feet (lf) of watercourse and 2.11 acres of wetland. Original grades will be restored in these watercourses and the 2.11 acres of wetland, after the utility line crossings are constructed. In addition, another 0.09 acre of PEM wetlands will be permanently filled, which will be mitigated by a portion of the 0.71 acre of mitigation credits that will be purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003). In Washington County, this project will cumulatively impact approximately 3,876.71 linear feet (lf) of watercourse and 4.92 acres of wetland. Original grades will be restored in these watercourses and the 4.92 acres of wetland, after the utility line crossings are constructed. In addition, another 0.49 acre of PSS wetlands will be permanently converted into PEM wetlands, which will be mitigated by a portion of the 0.71 acre of mitigation credits that will be purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003). In Allegheny County, this project will cumulatively impact approximately 2,248.25 linear feet (lf) of watercourse and 0.48 acre of wetland. Original grades will be restored in these watercourses and the 0.48 acre of wetland, after the utility line crossings are constructed.

The Department published notice of its proposed state water quality certification in the Pennsylvania Bulletin, 45 Pa.B. 6119 (October 10, 2015), and received zero (0) comments from the public.

The Department certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for



Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department 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 at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution

of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may 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, PO Box 8457, Harrisburg, PA 17105-8457, 717-787-34-83. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. 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 document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

[Pa.B. Doc. No. 16-701. Filed for public inspection April 22, 2016, 9:00 a.m.]

## Bid Opportunity

**OSM 17(0368)101.1, Abandoned Mine Reclamation Project, South Peale, Cooper Township, Clearfield County.** The principal items of work and approximate quantities include clearing and grubbing, grading 2,068,186 cubic yards, ditch excavation 705 cubic yards, R-4 rock lining with filter material 745 square yards, subsurface drain 688 linear feet, gate and seeding 153 acres. This bid issues on April 22, 2016, and bids will be opened on May 17, 2016, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). Bid documents and drawings can also be obtained upon payment of \$22, plus \$8 for postage, which includes sales tax, by calling (717) 787-7820. Auto-Cad Map 3D format drawings can also be purchased on a compact disc (CD) for an additional \$5 per CD. Money will not be refunded. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at



(717) 787-7820 or joelmiller@pa.gov for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-702. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Clarification Concerning Emission Fees for Title V Facilities

The Environmental Quality Board (Board) promulgated at 43 Pa.B. 7268 (December 14, 2013) an Air Quality Title V Fee Amendment of \$85 per ton for each “regulated pollutant” up to 4,000 tons of any regulated pollutant emitted from a Title V facility. The Board stated in the preamble that the “final-form rulemaking does not establish a fee structure for carbon dioxide and other greenhouse gases (GHG) including hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons and sulfur hexafluoride.” Moreover, section 6.3(c) of the Air Pollution Control Act (35 P.S. § 4006.3(c)) expressly provides that “[i]n no case shall the amount of the permanent [emission] fee be more than that which is necessary to comply with section 502(b) of the Clean Air Act.”

The Department of Environmental Protection (Department) announces that, until further notice, the Department will not collect the \$85 per ton Title V emission fee (adjusted annually based on the Consumer Price Index) for the emission of greenhouse gases pollutants including carbon dioxide (CO<sub>2</sub>) from the owners and operators of Title V facilities. For Title V emission fee purposes, “regulated pollutant” means a volatile organic compound, each pollutant regulated under sections 111 and 112 of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7411 and 7412), and each pollutant for which a National Ambient Air Quality Standard has been promulgated, except that carbon monoxide shall be excluded from this reference. See section 502(b)(3)(B)(ii) of the CAA (42 U.S.C.A. § 7661a(b)(3)(B)(ii)), section 6.3(m) of the Air Pollution Control Act and 25 Pa. Code § 127.705(c) (relating to emission fees).

The United States Environmental Protection Agency (EPA) published final Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units at 80 FR 64510 (October 23, 2015). This final rule establishes separate standards of performance for CO<sub>2</sub> emissions from newly constructed, modified or reconstructed electric generating units under section 111(b) of the CAA. The EPA also promulgated the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Clean Power Plan), under section 111(d) of the CAA, at 80 FR 64662 (October 23, 2015). Because of the EPA’s promulgation of these rules under section 111 of the CAA, CO<sub>2</sub> is considered a “regulated pollutant” for Title V emission fee purposes. These CAA Section 111 rules, however, are subject to numerous legal challenges, and implementation of the Clean Power Plan has been stayed by the United States Supreme Court.

The Department is developing proposed amendments of the air quality fee provisions in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees) for the Board’s consideration. It is the intention of the Department to address the regulation of CO<sub>2</sub> emissions for Title V fee purposes during this rulemaking process if the October 2015 CAA Section 111 rules are upheld by the Federal appellate courts.

Individuals with questions or who need additional information should contact Krishnan Ramamurthy, Division Chief, Bureau of Air Quality, (717) 783-9476 or kramamurth@pa.gov.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-703. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Climate Change Advisory Committee Rescheduled Meeting

The May 3, 2016, meeting of the Climate Change Advisory Committee has been rescheduled to Tuesday, May 17, 2016. The meeting will begin at 10 a.m. in the Delaware Conference Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

For additional information contact Mark M. Brojakowski, (717) 772-3429 or mbrojakows@pa.gov. The agenda and materials for the May 17, 2016, meeting will be available through the Public Participation link on the Department of Environmental Protection’s (Department) web site at <http://www.dep.pa.gov>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark M. Brojakowski at (717) 772-3429 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-704. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Coal and Clay Mine Subsidence Insurance Board Special Meeting

The Coal and Clay Mine Subsidence Insurance Board will hold a special meeting on May 6, 2016, at 10 a.m. in the 5th Floor Conference Room A, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for the meeting are available through the Public Participation Center on the Department of Environmental Protection’s (Department) web site at <http://www.dep.pa.gov> (select “Public Participation,” then “Advisory Committees,” then “Mining Advisory Committees,” then “Coal and Clay Mine Subsidence Insurance Fund Board”).

Direct questions concerning the meeting to Lawrence Ruane, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA, (717) 783-9586 or lruane@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lawrence Ruane at (717) 783-9586 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-705. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Notice of No Further Action on the Proposed Modification of BWEW-GP-8

The Department of Environmental Protection (Department) will not proceed with the proposed modification of BWEW-GP-8 published at 43 Pa.B. 6599 (November 2, 2013). The existing BWEW-GP-8 (Temporary Road Crossings) remains in effect and can be found on the Department's eLibrary web site at <http://www.elibrary.dep.state.pa.us>, search document number 3150-PM-BWEW0508.

Questions regarding this notice can be e-mailed to [RA-GP8Comments@pa.gov](mailto:RA-GP8Comments@pa.gov).

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-706. Filed for public inspection April 22, 2016, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Retail Space to the Commonwealth Bucks County

Those interested are invited to provide a proposal to the Department of General Services for 6,000 to 8,000 net usable square feet of retail space for the Liquor Control Board in Richboro, Bucks County, due on or before 3 p.m. on May 13, 2016. For more information on SFP No. 94802, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-707. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Lehigh County

Those interested are invited to provide a proposal to the Department of General Services for 5,500 to 6,500 net usable square feet of retail space for the Liquor Control Board in Macungie, Lehigh County, due on or before 3 p.m. on May 13, 2016. For more information on SFP No. 94801, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-708. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Montgomery County

Those interested are invited to provide a proposal to the Department of General Services for 4,000 to 5,500 net usable square feet of retail space for the Liquor Control Board in Horsham, Montgomery County, due on or before 3 p.m. on May 13, 2016. For more information on SFP No. 94803, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-709. Filed for public inspection April 22, 2016, 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 exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

*Facility Name*

*Regulation*

Chambersburg Endoscopy Center

28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities and PS III patients.

Eyes of York Surgical Center, LLC

28 Pa. Code § 567.43 (relating to ventilation system)

All requests previously listed 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](mailto: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 address listed previously. 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 the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 16-710. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Hospitals; Requests for Exceptions

The following hospital has 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 request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Conemaugh Memorial Medical Center	28 Pa. Code § 107.61 (relating to written orders)

The following hospital is requesting an exception under 28 Pa. Code § 153.1. 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 (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Lancaster Regional Medical Center	2.2-3.5.3.1(2)	General, location	2014

All requests previously listed 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 address listed previously. 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 the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 16-711. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold public meetings on Wednesday, May 11, 2016, and Thursday, May 12, 2016, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in

partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or for persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Robin Rothermel, Bureau Director, Department of Health, Division of HIV Disease, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 16-712. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exemptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Huntingdon Hills Rehabilitation and Nursing Center  
1229 Warm Springs Avenue  
Huntingdon, PA 16652  
FAC ID # 083402

ManorCare Health Services—Lancaster  
100 Abbeyville Road  
Lancaster, PA 17603  
FAC ID # 231302

Scottdale Healthcare and Rehabilitation Center  
900 Porter Avenue  
Scottdale, PA 15683  
FAC ID # 232802

Woodland Rehabilitation and Nursing Center  
18889 Croghan Pike  
Orbisonia, PA 17243  
FAC ID # 233002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Brethren Village  
3001 Lititz Pike  
P. O. Box 5093  
Lancaster, PA 17606  
FAC ID # 282602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(c) and (k) (relating to prevention, control and surveillance of tuberculosis (TB)):

RMH-HB/SNF  
US Route 1  
1078 West Baltimore Pike  
Media, PA 19063-5177  
FAC ID # 440502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) and (j):

John J. Kane Regional Center—Ross Township  
110 McIntyre Road  
Pittsburgh, PA 15237  
FAC ID # 365002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

St. Anne Home  
685 Angela Drive  
Greensburg, PA 15601  
FAC ID # 190202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

The Meadows at Shannondell  
6000 Shannondell Drive  
Aububon, PA 19403  
FAC ID # 17580201

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 address listed previously.

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 address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-713. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2015-2016 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 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 FY 2014-2015 surcharge was \$1.05 million. The Authority has recommended that the FY 2015-2016 surcharge assessment total \$1.08 million.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of December 31, 2015, was totaled and that amount was divided into \$1.08 million. The total number of licensed beds is 86,796. This equates to a surcharge of \$12.443 per bed.

To obtain a copy of the assessment for all facilities send an e-mail to paexcept@pa.gov and request the FY 2015-2016 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, audio-tape or Braille) should contact Susan Williamson at the address or telephone number listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-714. Filed for public inspection April 22, 2016, 9:00 a.m.]

### **Patient Safety Trust Fund Surcharge for Fiscal Year 2015-2016 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act**

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 2015-2016. The Authority FY 2015-2016 surcharge assessment is \$6.5 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 Department 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, 2015.

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 \$6.2 million to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 42,983. Dividing this number into \$6.5 million results in a per unit assessment for each installment of approximately \$151.223. The assessment is payable by June 15, 2016.

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 2015-2016 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, audio-tape or Braille) should contact Garrison E. Gladfelter, Jr. at the address or telephone number listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-715. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Listing of Licensed Infant Formula Sellers

The WIC Program is a Federal program sponsored and funded by the United States Department of Agriculture (USDA) under section 17(d)(1) the Child Nutrition Act of 1996 (42 U.S.C.A. § 1786(d)(1)), the Child Nutrition and WIC Reauthorization Act of 2004 (Pub.L. No. 108-265) and 7 CFR 246.1 (relating to general purpose and scope). Under 7 CFR 246.3(a) (relating to administration), the WIC Program is designed to provide nutritious foods to supplement the diets of certain low-income women, infants and children at nutritional risk. The Food and Nutrition Service (FNS) within the USDA has the responsibility for the administration of the WIC Program. Under 7 CFR 246.1, the USDA-FNS provides cash grants to state agencies to administer the WIC Program. The Department of Health (Department) is the State agency that has the responsibility for the operation of the WIC Program in this Commonwealth.

The Department, as the State agency for USDA-FNS in this Commonwealth, distributes nutritious foods, including infant formula, to WIC Program participants through a retail store food delivery system. Under 7 CFR 246.12(g) (relating to food delivery systems), the Department is required to authorize an appropriate number and distribution of WIC vendors to ensure the lowest practicable food prices consistent with adequate participant access to supplemental foods. As part of that responsibility under 7 CFR 246.12(g)(11), the Department is required to provide a list to all WIC authorized vendors of the names and addresses of licensed infant formula wholesalers, distributors and retailers, and infant formula manufacturers registered with the Food and Drug Administration (FDA) that provide infant formula.

The purpose of this notice is to provide a list of sellers of infant formula who are either: (1) registered with the Department of Agriculture or with the authorized agency in the state in which the seller is located and are,

therefore, deemed licensed by the Department; or (2) registered with the FDA. WIC authorized vendors must purchase infant formula to be sold to WIC participants from a seller on this list or from another WIC authorized vendor. Since WIC authorized vendors are authorized to sell and purchase infant formula within this Commonwealth, a WIC authorized vendor may purchase infant formula from another WIC authorized vendor. WIC authorized vendors are identifiable by the PA WIC decal located at the entrance of the vendor.

Pennsylvania WIC authorized vendors must maintain records of purchase for allowable foods and records used for Federal tax reporting purposes for a minimum of 2 years in accordance with 28 Pa. Code § 1105.3(a)(16) (relating to terms and conditions of participation). If a vendor is reviewed during a Formula Inventory Audit, the vendor will be required to submit authentic purchase records or invoices. The purchase records or invoices must identify the date of purchase and the name and address of the location where the purchase was made. No hand written receipts will be accepted.

Purchasing infant formula from a seller that is not registered either with the Department of Agriculture or with the authorized agency in the state in which the seller is located or registered with the FDA or that is not an active Pennsylvania WIC authorized vendor may result in disqualification from the WIC Program.

This notice is also available on the Vendor Assistant web site at <https://wic.health.state.pa.us/vendorassistant/>.

For more information, or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Jay Mast, Public Health Program Manager, Division of Quality Assurance and Program Integrity Section, Bureau of WIC, 7th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Pennsylvania Licensed Infant Formula Sellers March 26, 2016

A & G Wholesale Cash and Carry 5323 West Jefferson Street Philadelphia, PA 19131	Abbott Nutrition 3300 Stelzer Road Columbus, OH 43219	ACME Inc. # 8790 500 South Muddy Creek Road Denver, PA 17517
American Seaway/Riser Foods (Giant Eagle) 5300 Richmond Road Bedford, OH 44146	B & B Wholesale 2015 West Allegheny Avenue Philadelphia, PA 19132	Bells Wholesale 211 Meadowridge Road Mt. Morris, PA 15349
B Green Cash & Carry 1300 South Monroe Street Baltimore, MD 21230	Bozzuto's, Inc. 275 Schoolhouse Road Cheshire, CT 06410	C & S Bethlehem 4930 Hanoverville Road Bethlehem, PA 18020
C & S Wholesalers 47 Old Ferry Road P. O. Box 821 Brattleboro, VT 05301	C&S York 4875 Susquehanna Trail York, PA 17406	Cooper Booth Wholesale Co., LP 200 Lincoln West Drive Mountville, PA 17554
Core Mark Midcontinent, Inc. 100 West End Road Hanover Township, PA 18706	DuBois Logistics, LLC (C&S) 891 Beaver Drive Dubois, PA 15801	F & M Trading, LLC 456 North Delaware Avenue Philadelphia, PA 19123
Food Lion Distribution Center # 7 Lot 16 Commerce Avenue Greencastle, PA 17225	General Trading Co., Inc. 455 16th Street Carlstadt, NJ 07072	Giant Eagle, Inc./OK Grocery 755 Beechnut Drive Pittsburgh, PA 15205

Giant Food Stores, LLC  
1149 Harrisburg Pike  
Carlisle, PA 17013

K & T Wholesale Distributor, Inc.  
161 East Hunting Park Avenue  
Philadelphia, PA 19124

Mead Johnson Nutritional Group  
2400 West Lloyd Expressway  
Evansville, IN 47721

MKT & A, Inc.  
2626 Penns Ridge Boulevard  
Easton, PA 18040

Nutricia North America  
9900 Belward Campus Drive  
Suite 100  
Rockville, MD 20850

PNK Wholesale  
413-39 Rising Sun Avenue  
Philadelphia, PA 19140

Shop N Save # 80123  
1906 Dailey Avenue  
Latrobe, PA 15605

Syigma Network  
3900 Industrial Road  
Harrisburg, PA 17110

U & S Distributor  
1708 Federal Street  
Camden, NJ 08105

Wal-Mart DC # 6047  
181 Walmart Road  
Bedford, PA 15522

Weis Distribution Center Warehouse  
Industrial Park  
Milton, PA 17847

Jetro Cash & Carry  
700 Pattison Avenue  
Philadelphia, PA 19148

Krasdale Foods—Bronx—NY  
400 Food Center Drive  
Bronx, NY 10474

Laurel Grocery Warehouse  
Laurel Grocery Co., LLC  
129 Barbourville Road  
London, KY 40743

Nestle USA  
12 Vreeland Road, Box 697  
Florham Park, NJ 07932

Olean Wholesale  
P. O. Box 1070  
1587 Haskell Road  
Olean, NY 14760

Ross Products—Abbott Laboratories  
625 Cleveland Avenue  
Columbus, OH 73215

Solus Products, LLC  
8910 Purdue Road  
Suite 230  
Indianapolis, IN 46268

Sysco Philadelphia, LLC  
600 Packer Avenue  
Philadelphia, PA 19148

Wakefern Food Corporation  
600 York Street  
Elizabeth, NJ 07207

Wal-Mart DC # 6080  
100 Veterans Drive  
Tobyhanna, PA 18466

Weis Markets, Inc.  
1000 South Second Street  
Sunbury, PA 17801

K & J Wholesale, Inc.  
750 West Sedgley Avenue  
Philadelphia, PA 19140

Lee's Wholesale & Distribution/Jetro  
700 Pattison Avenue  
Philadelphia, PA 19148

Merchants Distributor's, LLC/MDI  
5005 Alex Lee Boulevard  
Hickory, NC 28601

Nestle USA  
800 North Brand Boulevard  
Glendale, CA 91203

PBM Nutritionals, LLC  
P. O. Box 2109  
147 Industrial Park Road  
Georgia, VT 05468

S & K Import, Inc.  
4001 G Street  
Philadelphia, PA 19124

Supervalu/ACME Distribution Center  
500 South Muddy Creek Road  
Denver, PA 17517

Tripifoods, Inc.  
1427 William Street  
Buffalo, NY 14206

Wal-Mart DC # 6027  
100 Walmart Drive  
Woodland, PA 16881

Wegman's Retail Service Center  
820 Keystone Boulevard  
Pottsville, PA 17901

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-716. Filed for public inspection April 22, 2016, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Availability of the Office of Long-Term Living's Community HealthChoices Home and Community-Based Waiver

The Department of Human Services (Department) is making available for public review and comment the proposed Community HealthChoices (CHC) 1915(b) waiver and the proposed CHC 1915(c) waiver amendment which, if approved, will govern operation of the CHC Program, the Commonwealth's managed long-term services and supports initiative.

#### *Background*

The CHC Program is a new initiative that will provide managed physical health care benefits and long-term services and supports (LTSS) to older persons and adults with physical disabilities (including individuals with acquired brain injuries) who require the level of care of a nursing facility. The CHC Program will also provide

physical health coverage to citizens in this Commonwealth who are dually eligible for Medicare and Medicaid but do not require or qualify for LTSS. Services under the CHC Program will be provided through contracted managed care organizations (MCO). The goals of the CHC Program are to enhance opportunities for community-based services; strengthen health care and LTSS delivery systems; allow for new program innovations; promote the health, safety and well-being of enrolled participants; and ensure transparency, accountability, effectiveness and efficiency of the CHC Program.

The Department intends to implement the CHC Program in three phases beginning in southwestern Pennsylvania in January 2017, following in southeastern Pennsylvania in January 2018 and in the remainder of this Commonwealth in 2019. On March 1, 2016, the Department and the Department of Aging released a Request for Proposal to start the procurement process for the selection of CHC MCOs.

The Department plans to apply to the Federal Centers for Medicare and Medicaid Services (CMS) to operate the CHC Program under concurrent 1915(b) and (c) waivers.



If approved by CMS, the waivers will be effective for a 3 1/2-year period. The 1915(b) waiver will authorize the Department to operate the CHC Program as a mandatory managed care program under which eligible participants will be required to receive services through the CHC MCOs. The 1915(b) waiver will also waive the requirement for all services for categorically-needy individuals to be equal in amount, duration and scope to enable CHC MCOs to provide wellness, care management and other services that are not available to other Medicaid participants not enrolled in CHC.

The 1915(c) waiver will allow for the delivery of LTSS in home and community-based setting to CHC participants who require the level of care of a nursing facility. The Department intends to amend its existing CommCare waiver to become the CHC 1915(c) waiver. As a result, the CommCare waiver will no longer be available in nonmanaged care counties. Individuals residing in nonmanaged care counties who are currently enrolled in the CommCare Waiver will be transitioned to the Independence Waiver until the CHC Program is implemented in their region. To not disrupt services to these individuals, the Department will also amend the Independence Waiver to add services that are currently offered in the CommCare Waiver. In addition to the LTSS, case management and service coordination services will be delivered to participants as an administrative activity of the CHC MCOs.

The proposed CHC concurrent 1915(b) and (c) waiver application and a more detailed summary of all provisions, including a list of LTSS which will be covered under the 1915(c) waiver, and a summary of the person-centered planning requirements, participant fair hearing rights and grievance and complaint procedures, participant safeguards, quality management processes, payment methodologies and cost effectiveness demonstration are available for review at <http://www.dhs.pa.gov/citizens/>

[communityhealthchoices/waiverapplication/index.htm#VvKbeuIrKHs](http://communityhealthchoices/waiverapplication/index.htm#VvKbeuIrKHs) or by contacting the Department's Office of Long-Term Living at (717) 783-8412.

*Fiscal Impact*

There is no fiscal impact associated with this notice.

*Public Comment*

Interested persons are invited to submit written comments regarding the proposed waivers to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: CHC-PN, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department to the attention of CHC-PN at [RA-waiverstandard@pa.gov](mailto:RA-waiverstandard@pa.gov). Comments received within 30 days will be reviewed and considered for revisions to the proposed waiver and waiver amendment and the CMS final rule transition plan.

In addition, the Department will hold two webinars to receive comments on the proposed CHC Program waiver and waiver amendment. Dates and times of the webinars, including dial-in information, is available at <http://www.dhs.pa.gov/citizens/communityhealthchoices/waiverapplication/index.htm#VvKbeuIrKHs> or by contacting the Department's Office of Long-Term Living at (717) 783-8412.

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).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1014. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-717. Filed for public inspection April 22, 2016, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-85	Pennsylvania Liquor Control Board Limited Wineries	4/8/16	5/19/16

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-718. Filed for public inspection April 22, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Joel Michael Riddell; Doc. No. SC16-04-002

Notice is hereby given of the Order to Show Cause issued on April 11, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 2.3(1), 5(a) and 6(a)(3), (5), (12) and (13) of the act of December 20,

1983 (P.L. 260, No. 72) (63 P.S. §§ 1602.3(1), 1605(a) and 1606(a)(3), (5), (12) and (13)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Ad-



ministrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-719. Filed for public inspection April 22, 2016, 9:00 a.m.]

### **American Progressive Life and Health Insurance Company of New York (UNAM-130502444); Rate Increase Filing for Several LTC Forms**

American Progressive Life and Health Insurance Company of New York is requesting approval to increase the premium 25% on 145 policyholders with the following individual LTC policy form numbers: HHC 1/98, PRNHO, PRNHOQ and QHHC.

Unless formal administrative action is taken prior to July 6, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-720. Filed for public inspection April 22, 2016, 9:00 a.m.]

### **Appeal of Lori A. Moore; Consent Waiver; Doc. No. CW11-11-002**

A prehearing telephone conference shall be held on May 10, 2016, at 10 a.m. Each party shall provide the Hearings Administrator on or before May 6, 2016, a telephone number to be used for the telephone conference. A hearing will occur on May 24, 2016, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or

notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before April 28, 2016. Answers to petitions to intervene, if any, shall be filed on or before May 9, 2016. On or before May 17, 2016, parties must exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts of stipulation.

If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or person with full settlement authority shall be available by telephone during the conference.

At the prehearing conference/telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

No prehearing memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

The Presiding Officer will consider a written request for continuance of the scheduled proceedings, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-721. Filed for public inspection April 22, 2016, 9:00 a.m.]

### **Highmark Inc. (MILL-130443425); Rate Increase Filing for Several LTC Forms**

Highmark Inc. is requesting approval to increase the premium an aggregate 77% on 434 policyholders with the following individual LTC policy form numbers: SPL-336-HMBCBSPA and FSPL-336-HMBCBSPA.

Unless formal administrative action is taken prior to July 6, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 16-722. Filed for public inspection April 22, 2016, 9:00 a.m.]

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 16-724. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Highmark Inc. (MILL-130443539); Rate Increase Filing for Several LTC Forms

Highmark Inc. is requesting approval to increase the premium an aggregate 77% on 477 policyholders with the following individual LTC policy form numbers: SPL-336-HMBSPA and FSPL-336-HMBSPA.

Unless formal administrative action is taken prior to July 6, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 16-723. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Pennsylvania Life Insurance Company (UNAM-130502405); Rate Increase Filing for Several LTC Forms

Pennsylvania Life Insurance Company is requesting approval to increase the premium 25% on 62 policyholders with the following individual LTC policy form numbers: 1460, 1490, P30, P34, P35, P39, PLNHO and PLNHOQ.

Unless formal administrative action is taken prior to July 6, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

### 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; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Deborah Krekstein; File No. 16-130-193368; Cincinnati Insurance Company; Doc. No. P16-04-005; May 18, 2016, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the 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 Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 16-725. Filed for public inspection April 22, 2016, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Extension of the Fuel Cost Recovery Surcharge Special Permission 28207

Public Meeting held  
April 7, 2016

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; Pamela A. Witmer;  
John F. Coleman, Jr.; Robert F. Powelson

*Extension of the Fuel Cost Recovery Surcharge Special  
Permission 28207; R-2009-2094616*

#### Order

*By the Commission:*

Tristate Household Goods Conference, Inc. (Tristate), a tariff publishing agency, represents approximately 250 PUC household good carriers. Substantially large increases in the cost of diesel fuel, which were unanticipated, motivated Tristate to request the implementation of the Fuel Cost Recovery Surcharge. The Fuel Cost Recovery Surcharge Special Permission 28207 was approved in Public Meeting held April 17, 2003, and extended in subsequent Public Meetings. The extension was approved for one year unless changed, cancelled or extended. The current surcharge grants approval to temporarily increase the Tristate tariff to recover temporarily increased fuel costs when transporting household goods for moves more than 40 miles (weight and distance) and moves that are 40 miles or less (hourly) by the use of a Fuel Cost Recovery Surcharge. Tristate has filed a request to permit members of its conference to continue assessing a fuel cost recovery surcharge to defray the costs of diesel fuel.

The surcharge is determined by a formula which attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel<sup>1</sup>; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.<sup>2</sup>

Moves of 40 miles or less will be divided into 4 categories according to average mileage: 5 mile average

<sup>1</sup> The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date, and are subject to frequent spikes.

<sup>2</sup> This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles, and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows<sup>3</sup>:

Origin of move to destination 8 miles	= 5 miles average
Terminal factor	= 40 miles
Total miles	= 45 miles
Average miles per gallon	= 5
Fuel used	= 9 gallons
DOE current Fuel Price as of 3/14/16	= \$2.25
Base fuel Price	= \$1.27
Fuel price difference	= \$.98
Gallons × Fuel price difference	= 9 × \$.98 = \$8.82

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

Origin of move to destination	= 100 miles
Empty Return (dest. to origin)	= 100 miles
Terminal factor	= 40 miles
Total miles	= 240 miles
Average miles per gallon	= 5
Fuel used	= 48 gallons
DOE current Fuel Price as of 3/14/16	= \$2.25
Base fuel Price	= \$1.27
Fuel price difference	= \$.98
Gallons × Fuel price difference	= 48 × \$.98 = \$47.04

On March 17, 2016, Tristate filed a request to extend the Fuel Cost Recovery Surcharge. The request was filed in response to the volatile nature of the petroleum market. Although there were significant decreases in the past year, increased prices have resumed.

In support of the request for extension, Tristate has submitted data from the Department of Energy for the Central Atlantic Region. The average price of diesel fuel for the period of January 2015 to December 2015 was \$2.93 per gallon.

The Federal Department of Transportation has responded to the escalating fuel costs for interstate transportation by approving a fuel surcharge on a similar sliding scale. The Federal Fuel Surcharge became effective May 15, 2000 and continues in effect.

Pursuant to 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. Additionally, the Commission is obligated to address industry-wide problems "without creating a chaotic rate structure impossible to manage or police." Emergency Fuel Surcharge, 47 Pa. P.U.C. 389, 391 (1974). The current surcharge addresses the problem of fuel cost volatility, while being just and reasonable in that carriers are compensated only for the additional cost of the fuel used.

Based on our review, it appears that the extension of the Fuel Cost Recovery Surcharge for transportation of household goods is necessary, is an appropriate means to address this regulatory problem and will result in just and reasonable rates. In order to prevent financial hardship, it is imperative that Pennsylvania household goods carriers be afforded an opportunity to temporarily adjust rates to offset escalating fuel costs using the proposed extended Fuel Cost Recovery Surcharge and, accordingly, we shall allow the proposed extended surcharge to become effective for a period of one year unless changed, cancelled or further extended.

<sup>3</sup> All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.



Therefore,

It Is Ordered That:

1. Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over 40 mile charges and for 40 miles or less hourly charges in accordance with all other tariff rules of this Commission. The Fuel Cost Recovery Surcharge is to be extended effective April 18, 2016.

2. The Extended Fuel Cost Recovery Surcharge shall be in effect for one year to April 18, 2017 unless changed, cancelled or further extended by the Commission.

3. Copies of this order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Extended Fuel Cost Recovery Surcharge along with the original Fuel Cost Recovery Surcharge dated April 17, 2003 in a conspicuous place in the office and vehicles. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers and on the Bill of Lading.

5. The rates collected to the Extended Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this order, and are successful in challenging the surcharge.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 16-726. Filed for public inspection April 22, 2016, 9:00 a.m.]

### 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. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 9, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2014-2451447. Keith Pulliam, t/a Pulliam Travel** (2238 Dickinson Street, Philadelphia, PA 19146) for the right to begin to transport, by motor vehicle, persons in limousine service, from points in the Counties of Chester and Montgomery, to Harrah's Casino in Chester, Delaware County, and vice versa.

**A-2016-2530741. Parker Transportation Services, LLC** (313 Market Street, Millersburg, PA 17061) for the right to begin to transport, persons, by motor vehicle, in

paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Dauphin, to points in Pennsylvania, and return. *Attorney:* Christian S. Dagher, 105 North Front Street, Harrisburg, PA 17101.

**A-2016-2537506. Minaya's Limo Service** (418 North 14th Street, Lebanon, Lebanon County, PA 17046) in limousine service, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2537583. Gettysburg Tours, Inc.** (302 York Street, Gettysburg, Adams County, PA 17325) in group and party service, in vehicles seating between 11 to 15 passengers, including the driver, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

#### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.*

**A-2016-2537189. All Platinum Transportation, LLC** (415 Elmwood Avenue, Sharon Hill, Delaware County, PA 19079) in limousine service, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all rights authorized under the certificate issued at A-00122591, to Classic British Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* Nicholas D. George, Arangio & George, LLP, 200 Markey Street, Suite 1440, Philadelphia, PA 19103.

#### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

**A-2016-2523303. Zippy Shell Lehigh Valley, Inc., t/a Zippy Shell Lehigh Valley** (2830 Brentwood Drive, Coopersburg, PA 18036) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2016-2528401. Hopkinson & Duez, LLC, t/a HD Moving Services** (1913 Haywood Street, Farrell, PA 16121) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

#### Application of the following for the approval of the *transfer of stock as described under the application.*

**A-2015-2484359. Limousines for Less, Inc.** (315 Clermont Avenue, Stroudsburg, PA 18360) for the approval to transfer 20 shares of stock, from James Danielewicz to Joy Danielewicz, so as to reflect James Danielewicz with 60 shares of the stock and Joy Danielewicz with 40 shares of the stock.

#### Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

**A-2016-2538211. Institute for the Development of African-American Youth, Inc.** (P. O. Box 2061, Philadelphia, PA 19103) for the discontinuance of service and



cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service by providing charitable and educational activities, from points in the City and County of Philadelphia, to Commonwealth correctional facilities in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 16-727. Filed for public inspection April 22, 2016, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 9, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Patterson Trucking, LLC; Docket No. C-2016-2532585

#### 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 Patterson Trucking, LLC, (respondent) is under suspension effective February 17, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2014 Swatara Street, Harrisburg, PA 17104.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 04, 2015, at A-8918157.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public

Convenience held by respondent at A-8918157 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/9/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

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**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Frank O'Neill Moving, Inc., t/a Frank O'Neill Moving;  
Docket No. C-2016-2532635**

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 Frank O'Neill Moving, Inc., t/a Frank O'Neill Moving, (respondent) is under suspension effective February 19, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 994 Ben Franklin Highway East, Douglassville, PA 19518.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 06, 1995, at A-00110882.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00110882 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/9/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this 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. 16-728. Filed for public inspection April 22, 2016, 9:00 a.m.]

## Telecommunications

**A-2016-2539380. The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and dishNet Wireline, LLC.** Joint petition of The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and dishNet Wireline, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and dishNet Wireline, LLC, by their counsel, filed on April 11, 2016, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and dishNet Wireline, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 16-729. Filed for public inspection April 22, 2016, 9:00 a.m.]

## Wastewater Service

**A-2016-2536924. Clear Run, Inc.** Application of Clear Run, Inc. for approval of the abandonment of its certificate of public convenience as a wastewater treatment facility in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 9, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Clear Run, Inc.

*Through and By Counsel:* William S. Kreisher, Attorney, Kreisher and Gregorowicz, 401 South Market Street, Bloomsburg, PA 17815

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 16-730. Filed for public inspection April 22, 2016, 9:00 a.m.]



## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Nina Guinn Jackson, RN; File No. 16-51-04298;  
Doc. No. 0726-51-2016**

On April 7, 2016, Nina Guinn Jackson, RN, license no. RN343298L of Wellsburg, WV, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the final order by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-731. Filed for public inspection April 22, 2016, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Christine Webster, LPN; File No. 14-51-04354;  
Doc. No. 0637-51-14**

On March 3, 2016, Christine Webster, LPN, license no. PN275838, last known of Marcus Hook, Delaware County, was reinstated and immediately placed on probation for no less than 3 years, based on her having met the requirements for reinstatement of a previous State Board of Nursing (Board) order.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-732. Filed for public inspection April 22, 2016, 9:00 a.m.]

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Ramie Beth Kantner, LPN, Respondent; File No. 14-51-06151; Doc. No. 1184-51-15**

*Notice to Ramie Beth Kantner, LPN:*

On July 8, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1955, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P. O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P. O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-733. Filed for public inspection April 22, 2016, 9:00 a.m.]



# STATE BOARD OF PHARMACY

## Cancer Drug Repository Program; Income Limits for Eligibility

In accordance with 49 Pa. Code § 27.506 (relating to patient eligibility), the State Board of Pharmacy is providing notice that to participate in the Cancer Drug Repository Program in 2016, a patient's 2015 income cannot have exceeded the following limits:

### Current Income Levels for the Cancer Drug Repository Program

<i>Family Size</i>	<i>2015 Annual Income Limit</i>
1	\$41,195

<i>Family Size</i>	<i>2015 Annual Income Limit</i>
2	\$55,755
3	\$70,315
4	\$84,875
5	\$99,435
6	\$113,995
7	\$128,555
8	\$143,115
Each Additional Person	\$14,560

THERESA M. TALBOTT, RPh,  
*Chairperson*

[Pa.B. Doc. No. 16-734. Filed for public inspection April 22, 2016, 9:00 a.m.]

# STATE CONSERVATION COMMISSION

## Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Linford Snyder— Covered Bridge Road Farm 334 Covered Bridge Road Pine Grove, PA 17963	Schuylkill County/ Washington Township	346.64	Pullets	New	Approved
Joseph Yoder 124 Buggy Drive Aaronsburg, PA 16820	Centre County/ Haines Township	53.35	Veal	New	Approved
John Zook 165 Cowboy Drive Woodward, PA 16882	Centre County/ Haines Township	76.22	Veal	New	Approved
Penn England, LLC— Clover Ridge Farm 422 Fairview Road Williamsburg, PA 16693	Blair County/ Woodbury Township	0	Cattle	New	Approved
Spring Valley Dairy, LLC 1577 Auction Road Manheim, PA 17545	Lancaster County/ Rapho Township	140.8	Pullets	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Curtis Lehman 514 Bricker Road Bernville, PA 19506	Berks County/ Upper Tulpehocken Township	0	Broilers	New	Approved
Roaring Creek Egg Farms, LLC Middle Road (near 297 Middle Road) Catawissa, PA 17820	Columbia County/ Cleveland Township	1,833.3	Layers	New	Approved
Hillcrest Saylor Dairy Farms, LLC—Home Farm 3684 Kingwood Road Rockwood, PA 15557	Somerset County/ Middlecreek Township	315	Cattle	Amended	Approved
Donald Henry 275 Kocher Road Elizabethville, PA 17023	Dauphin County/ Mifflin Township	4.74	Layers	New	Approved
Edwin Horning, Jr. 248 Meadow Valley Road Ephrata, PA 17522	Lancaster County/ Ephrata Township	142.93	Broilers	New	Approved
Belview Valley Farms, LLC 458 Gemmill Road Delta, PA 17314	York County/ Peach Bottom Township	310.11	Swine	New	Approved
Graywood Farms, LLC 258 Mason Dixon Road Peach Bottom, PA 17563	Lancaster County/ Fulton Township	0	Cattle	New	Approved
Robert S. Martin— Ridge Valley Farm III 93 Edmiston Lane Beaver Springs, PA 17812	Snyder County/ Spring Township	453.43	Turkeys	New	Approved
Gorrell Dairy, LLC— Home Farm 392 Wood Road Milan, PA 18831	Bradford County/ Smithfield Township	147	Cattle	New	Approved
Benjamin E. Kauffman, Jr. 704 East Market Street Lykens, PA 17048	Dauphin County/ Gratz Township	38	Layer	New	Approved
Star Rock Dairy, Inc.— Witmer Road Farm 54 Witmer Road Conestoga, PA 17516	Lancaster County/ Manor Township	0	Cattle	New	Approved

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 16-735. Filed for public inspection April 22, 2016, 9:00 a.m.]