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## July 15, 2017 (Pages 3795-3946)

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# PENNSYLVANIA BULLETIN

Volume 47

Number 28

Saturday, July 15, 2017 • Harrisburg, PA

Pages 3795—3946

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The Courts

Administrative Office of Pennsylvania Courts

Bureau of Professional and Occupational Affairs

Department of Banking and Securities

Department of Conservation and Natural  
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Department of Education

Department of Environmental Protection

Department of Health

Department of Revenue

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Examiners in Speech-Language  
Pathology and Audiology

State Board of Nursing

Susquehanna River Basin Commission

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(Master Transmittal Sheet):**

**No. 512, July 2017**

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

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published 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

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# THE GOVERNOR

## Notice of Veto; House Bill 1071, Printer's No. 1270

June 30, 2017

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania:

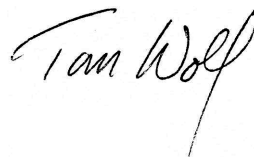
Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1071, Printer's Number 1270.

This legislation does considerably more than forbid political subdivisions from imposing a ban, fee, surcharge, or tax on recyclable plastic bags provided to consumers. It potentially thwarts local governments from complying with their trustee obligations under Article I, Section 27 of the Pennsylvania Constitution, to protect and preserve the environmental resources in their communities. The prohibition under this bill, therefore, is not consistent with the rights vested by the Environmental Rights Amendment of the Pennsylvania Constitution, and the duties upon all governmental actors, including municipalities. The constitutional obligation under the amendment binds not only state but also local government. As such, the bill cannot remove a political subdivision's separate authority to implement its independent constitutional duties. In practical terms, this means government, at all levels, is required to prevent the unreasonable degradation, diminution, or depletion of our water, air, and land. This prohibition hinders the performance of this important requirement.

This bill also contains a significant preemption issue as it relates to the rights of political subdivisions. In my view, the Commonwealth should only on rare occasions preempt the rights of local governments to implement laws and policies that it believes are in its best interest. Here, the Commonwealth is impeding the freedom of local governments to regulate recyclable plastic bags. This policy supporting this preemption is misguided and should not become the law of this Commonwealth.

For the reasons set forth above, I must withhold my signature from House Bill 1071, Printer's Number 1270.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is fluid and cursive, with the first name "Tom" and last name "Wolf" clearly distinguishable.

Governor

[Pa.B. Doc. No. 17-1154. Filed for public inspection July 14, 2017, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1000 ]

#### Order Amending Rules 1063 and 1093 of the Rules of Civil Procedure; No. 668 Civil Procedural Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 27th day of June, 2017, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1063 and 1093 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2017.

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

##### CHAPTER 1000. ACTIONS

##### Subchapter D. ACTION TO QUIET TITLE

##### Rule 1063. Commencement of Action.

The action shall be commenced by filing a **complaint** with the prothonotary.

[ (1) a **complaint**, or

(2) an **agreement for an amicable action**. ]

##### Subchapter F. ACTION IN MANDAMUS

##### Rule 1093. Commencement of Action.

An action may be commenced by filing a **complaint** with the prothonotary.

[ (1) a **complaint**, or

(2) an **agreement for an amicable action**. ]

##### EXPLANATORY COMMENT

Rule 1063 governing the commencement of the action to quiet title and Rule 1093 governing the commencement of the action in mandamus have been amended to clarify and update both rules. Both rules currently allow for an action to be initiated by complaint or agreement for an amicable action. The amendment limits initiation of an action by complaint only. The agreement for an amicable action was deleted from Rule 1007 governing the commencement of general civil actions in 1991 because it was a device little used in modern practice, and could be achieved through alternative procedures. *See* Rule 1007,

Explanatory Comment—1991. The amendment of Rule 1063 and 1093 conforms both the action to quiet title and the action in mandamus to modern practice.

*By the Civil Procedural Rules Committee*

WILLIAM S. STICKMAN, IV,  
*Chair*

[Pa.B. Doc. No. 17-1155. Filed for public inspection July 14, 2017, 9:00 a.m.]

### PART I. GENERAL

[ 231 PA. CODE CH. 1650 ]

#### Order Amending Rules 1653 and 1656 of the Rules of Civil Procedure; No. 667 Civil Procedural Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 27th day of June, 2017, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 46 Pa.B. 3635 (July 9, 2016):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1653 and 1656 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2017.

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

##### CHAPTER 1650. ACTIONS IN MECHANICS' LIENS

##### Rule 1653. Commencement of Action.

An action shall be commenced by filing a **complaint** with the prothonotary.

[ (a) a **complaint**, or

(b) an **agreement for an amicable action**. ]

The **complaint** shall be filed under the same docket number as the claim for the mechanics' lien.

**Official Note:** To file a claim for a mechanics' lien, see the Mechanics' Lien Law of 1963, 49 P.S. §§ 1101—1902, *as amended*.

##### Rule 1656. The Complaint.

(a) The plaintiff shall set forth in the complaint

(1) the name and address of each party to the action and, if the action is commenced by a subcontractor, the name and address of the contractor;

(2) [ **the court and number and** ] the date of the filing of the claim [ **and a copy thereof as an exhibit** ]; **and**

(3) a demand for judgment.

**(b) The plaintiff shall attach a copy of the claim to the complaint as an exhibit.**

**Official Note: A claim for a mechanics' lien and the complaint to obtain judgment on the mechanics' lien shall be filed under the same docket number. See Rule 1653.**

### EXPLANATORY COMMENT

Rules 1653 and 1656 governing actions to obtain judgment on mechanics' liens have been amended to clarify and update both rules. Rule 1653 governing commencement of the action, has been amended in two respects. First, the rule currently allows for an action to obtain judgment on a mechanics' lien to be initiated by complaint or agreement for an amicable action. The amendment limits initiation of an action by complaint only. The agreement for an amicable action was deleted from Rule 1007 governing the commencement of general civil actions in 1991 because it was a device little used in modern practice, and could be achieved through alternative procedures. See Rule 1007, Explanatory Comment—1991. The amendment of Rule 1653 conforms actions to obtain judgment on mechanics' liens to modern practice.

Second, the Rules of Civil Procedure are silent as to whether a claim for a mechanics' lien should be filed under the same or separate docket number as the complaint to obtain judgment on a mechanics' lien. The amendment requires that the claim and the complaint should be filed under the same docket number to clarify procedure. The requirement to use one docket number applies to all complaints filed after the effective date of the proposed amendment.

A note has been added to Rule 1656 governing the complaint to aid practitioners as to the requirements for filing a mechanics' lien and the subsequent complaint to obtain judgment.

*By the Civil Procedural  
Rules Committee*

WILLIAM S. STICKMAN, IV,  
*Chair*

[Pa.B. Doc. No. 17-1156. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**First Judicial District of Pennsylvania Court-Appointed Counsel, Investigative and Expert Witness Fee Schedule; No. 01 of 2017**

### Order

*And Now*, this 26th day of June, 2017, upon consideration of Act No. 438 of 1967 and Act No. 180 of 1970 which provided the legislative authority to the First Judicial District to adopt and award reasonable fees and expenses to be paid to court-appointed counsel; it appearing that Act No. 187 of 1984 provided for the repeal of said acts "effect[ive] upon the adoption of court rules accomplishing the purposes of the acts being repealed," it

further appearing that court rules referenced by Act 187 were adopted by the Board of Judges of Philadelphia County at its February 27, 1986 meeting and the said court rules became effective on July 1, 1986, namely Phila.Crim.R. 424 and 425 (now known as Phila.Crim.R. \*122-11 and \*122-12); it further appearing that since July 1, 1986, counsel fee payments and processes have been revised by the Court in a piecemeal fashion, including by Directives No. 1 and 2 issued in 1997 by this Administrative Governing Board, resulting in an amalgam of rules, orders, general court regulations, memoranda and directives which are confusing in application and which, substantively, do not currently provide adequate or reasonable compensation for court-appointed conflict counsel and supporting investigative and expert witnesses;

*Now*, therefore, in order to ensure that court-appointed conflict counsel are reasonably compensated, and further to ensure the timely payment of court-appointed conflict counsel as provided in Administrative Governing Board Administrative Order No. 02 of 2012: *In Re: Payment of Court Appointed Counsel for Indigent Representation*, it is hereby *Ordered* and *Decreed* that attorneys appointed by the Court as conflict counsel on and after the dates identified as follows, shall be paid by the City of Philadelphia in accordance with the following procedures and comprehensive Fee Schedule.

(1) Procedures effective for Court of Common Pleas and Philadelphia Municipal Court—Criminal Division for court-appointed conflict counsel appointed on and after July 1, 2017.

(a) Court-appointed conflict counsel will receive a uniform trial preparation fee. There will be no distinction between preparation fees for cases that resolve by non-trial disposition and those that resolve by trial.

(b) Court-appointed conflict counsel will be paid the case appropriate per diem fee for pre-trial motions that are litigated and approved for payment by the court.

(c) Court-appointed conflict counsel will be paid the appropriate fee for all days spent on trial, including jury selection and deliberation, when required to be present in the Courthouse.

(d) Philadelphia Rule of Criminal Procedure \*112-12(E), which provided for review of hourly Fee Petitions by the Deputy Court Administrator for Fiscal Affairs, is rescinded effective July 1, 2017. All hourly Fee Petitions for trial/appellate/PCRA work (regardless of the compensable hourly rate) will be reviewed, as applicable, by the trial judge, Supervising Judge, Administrative Judge or President Judge.

(e) Court-appointed conflict counsel will be paid a second preparation fee for retrials. Counsel may file a Payment Voucher following a mistrial, and a subsequent Payment Voucher following a retrial.

(f) Court-appointed conflict counsel will be paid a full felony first degree preparation fee for successful decertification motions. Time spent litigating the motion will be treated as compensable in-court time.

(g) The trial judge will have discretion to authorize payment of the entire preparation fee to the court-appointed conflict counsel upon entry of outside counsel.

(h) Until further order, Fee Petitions and Payment Vouchers will continue to be submitted directly to the appropriate judge for review and approval without first being filed with the Office of Judicial Records or other applicable filing office or officer. However, upon approval

by the appropriate judge, the original Fee Petition, Payment Voucher and any other order directing the payment of court-appointed counsel, being “legal papers” shall be filed as provided in Subsection (C) of this Order and Philadelphia Criminal Rule 576(d).

(2) Fee Schedule effective for Court of Common Pleas and Philadelphia Municipal Court—Criminal Division court-appointed counsel appointed on and after July 1, 2017.

(a) Felony Appellate/PCRA:

- |   |         |
|---|---------|
| (i) Maximum Fee                           | \$2,400 |
| (ii) Per Hour (In-court and Out of Court) | \$65    |

(b) Homicide Appellate/PCRA:

- |   |         |
|---|---------|
| (i) Maximum Fee                           | \$6,000 |
| (ii) Per Hour (In-court and Out of Court) | \$85    |

(c) Felony Trial Preparation:

- |                     |         |
|---------------------|---------|
| (i) First Degree    | \$1,200 |
| (ii) Other felonies | \$750   |

(d) Homicide Trial Preparation:

- |                 |                         |
|-----------------|-------------------------|
| (i) Non-Capital | \$3,500                 |
| (ii) Capital    | \$10,000                |
|                 | (Lead Counsel)          |
|                 | \$7,500                 |
|                 | (Penalty Phase Counsel) |

(iii) In order to provide homicide trial experience to attorneys, and at the request of defense counsel, the court may appoint a “second chair” defense lawyer in non-capital homicide cases. Second chair defense counsel shall receive a total fee of \$600.00 for their services through the conclusion of the trial court proceedings provided that second chair counsel has been present in the courtroom for the duration of the trial.

(e) Municipal Court Trial \$450

(f) Status Hearing

(i) Mental Health Court \$100

(ii) Treatment Court \$100

(iii) Diversion \$100

(iv) Early Bail Review Hearings \$100

(v) Bench Warrant Hearing \$100

(g) Investigators—Adult Criminal

(i) Guaranteed Initial Fee

(A) Homicide \$300

(B) Felony \$100

(ii) Hourly Fee \$40

(iii) Maximum Billable without court order \$500

(iv) Amounts in excess of \$500 require approval by the trial judge and the Supervising Judge or Administrative Judge.

(h) Expert Witnesses

(i) Decertification Mental Health Evaluation \$750

(ii) All other expert witnesses to be authorized by court order listing amount authorized with voucher submitted directly to trial judge with chronological list of services once case disposed.

(iii) Amounts in excess of \$7,500 in non-capital cases to be approved by the Supervising Judge or the Administrative Judge.

(3) The current adult homicide, felony and misdemeanor per diem rates shall remain in effect for court-appointed conflict counsel appointed until June 30, 2018.

(4) Effective for court-appointed conflict counsel appointed on and after July 1, 2018 in addition to the above-mentioned preparation fees, attorneys appointed by the Court as adult homicide, felony and misdemeanor court-appointed conflict counsel shall be paid the following:

(a) Felony Case Per Diem:

(i) Full Day \$450

(ii) Half Day (under 3 hours) \$225

(b) Homicide Case Per Diem:

(i) Full Day (Non-capital) \$600

(ii) Half Day (under 3 hours—Non-Capital) \$300

(iii) Full Day (Capital) \$700

(iv) Half Day (under 3 hours—Capital) \$400

(c) Preliminary Hearing \$225

(d) Violation of Probation Hearing:

(i) Common Pleas \$150

(ii) Municipal \$150

(e) Fifth Amendment Witness \$150

(f) Contempt \$150

(g) Early Parole Petition \$250

(5) Fee Schedule effective for Philadelphia Municipal Court Traffic Division court-appointed counsel appointed on and after July 1, 2017.

(a) On Call Counsel \$350

(b) Traffic Division Appeal \$450

(6) Fee Schedule effective for Family Division Delinquent court-appointed counsel appointed on and after July 1, 2017.

(a) Felony \$550

(b) Misdemeanor \$450

(c) Consent Decree \$225

(d) Delinquent Review Per Hearing \$75

(e) On Call Counsel—no appt. \$350

(f) Investigator-Trial Preparation

(i) Initial Fee \$100

(ii) Per Hour \$40

(g) Appointment with Prior Counsel

(i) Prior to Adjudication = Felony/  
Misdemeanor Rate \$550 or \$450

(ii) Post Adjudication = Review Hearing \$75

(h) Private Counsel Retained \$225

(i) Fifth Amendment Witness \$225

(ii) Bench Warrant \$225



- (i) Rape, IDSI & Juvenile Felony Sex Case \$750  
 \*\* (requires 3 annual CLE credits & court certification) \$750
- (7) Fee Schedule effective for Family Division—Dependent court-appointed counsel appointed on and after July 1, 2017.
- (a) First Year: After
- (i) First Hearing \$200
- (ii) Second Hearing \$200
- (iii) Third Hearing \$175
- (iv) Fourth Hearing \$175
- (v) The total annual fee shall not exceed \$750. If dismissed during the first year, court-appointed conflict counsel shall be paid the outstanding balance of \$750.
- (b) Second Year: After
- (i) First Hearing \$125
- (ii) Second Hearing \$125
- (iii) Third Hearing \$100
- (iv) Fourth Hearing \$100
- (v) The total annual fee shall not exceed \$450. If dismissed during the second year, court-appointed conflict counsel shall be paid the outstanding balance of \$450.
- (c) Third Year and Subsequent Years: After
- (i) First Hearing \$75
- (ii) Second Hearing \$75
- (iii) Third Hearing \$75
- (iv) Fourth Hearing \$75
- (d) On Call Counsel (2)—no appt. \$350
- (e) Appeal:
- (i) Maximum \$2,400
- (ii) Out of Court per Hour \$65
- (iii) In Court per Hour \$75
- (f) Adoption = AP matter only
- (i) Maximum \$2,400
- (ii) Out of Court per Hour \$65
- (iii) In Court per Hour \$75
- (g) Investigator—per hour \$40
- (8) Fee Schedule effective for Family Division—Domestic Relations court-appointed counsel appointed on and after July 1, 2017.
- (a) Contempt On Call Counsel (2)
- (i) 10 am—2 pm \$250
- (ii) All Day Assignment \$350
- (9) Payment to Conflict Court-Appointed Counsel in Extraordinarily Complex Cases.

Notwithstanding any of the above fee provisions, the Court of Common Pleas judge before whom a case is being tried or was tried, shall have the discretion, in extraordinarily complex cases requiring court-appointed conflict counsel, to request that counsel be compensated at a rate to be determined by applicable Supervising Judge, Administrative Judge or President Judge.

It is further *Ordered* and *Decreed* that:

(A) Representatives of the City of Philadelphia and the First Judicial District of Pennsylvania shall draft Fee

Petitions and Payment Vouchers which will be utilized in each case type for all of the above listed matters and which will be utilized in each case by the court-appointed conflict counsel.

(B) All Fee Petitions and Payment Vouchers must be filed within the following periods:

(1) For yearly payments, no later than ninety (90) days after the calendar year at issue.

(2) After verdict, plea, or mistrial, no later than ninety (90) days after the disposition.

(3) After sentencing, no later than ninety (90) days after sentencing, regardless of whether the case is appealed.

(4) For Appeals and PCRA's, no later than ninety (90) days after resolution of the appeal by the court with which the appeal or PCRA was filed.

(C) Following judicial review and approval of the Fee Petition and Payment Voucher, the signed order and approved Payment Voucher shall be filed of record with Criminal Listings, 2nd Floor, Justice Stout Center (for Adult Criminal Matters), and with the Liaison Unit, 11th Floor, Family Court Building (for Family Court Matters), or with any other filing office or officer as the Court may decide from time to time. Upon receipt, the applicable filing officer shall time-stamp, docket and convert the Order or Payment Voucher filed in a paper format to a pdf format. In criminal matters, service of the Order or Payment Voucher shall be accomplished on all parties as well as on the City of Philadelphia, Counsel Fee Unit, as provided in Philadelphia Civil Rule 576(g). All original hard-copy Fee Petitions and Payment Vouchers will be provided to the City of Philadelphia, Counsel Fee Unit, for processing and retention consistent with Philadelphia Criminal Rule 576(d).

(D) The City of Philadelphia shall issue payment to court-appointed conflict counsel within sixty (60) days of the date a Payment Order or Payment Voucher appropriately prepared as provided in this Order, and consistent with Phila. Code § 17-1702(1)(b), is received by the Counsel Fee Unit of the City of Philadelphia. If payment is delayed, the City of Philadelphia shall pay interest on the unpaid amount at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.

(E) To the extent any local rule, administrative order or memoranda governing the payment of court-appointment counsel is in conflict with any provision of this order, the provisions contained in this order prevail and the conflicting local rule, order or memoranda are deemed to have been rescinded.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1. As required by Pa.R.J.A. 103(d), this Administrative Order was reviewed by the Supreme Court of Pennsylvania Criminal Procedural Rules Committee, the Juvenile Court Procedural Rules Committee, and the Domestic Relations Procedural Rules Committee which have concluded that the Order is not inconsistent with the Pennsylvania Rules of Criminal Procedure, Pennsylvania Rules of Juvenile Court Procedure, and the Pennsylvania Rules of Domestic Relations Procedure.

This Administrative Order shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of

Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), Two certified copies of this Administrative Order, as well as one copy of the Administrative Order shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. (As required by Pa.R.J.A. 103(d)(6)) One certified copy of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE SHEILA WOODS-SKIPPER,  
*Chair, Administrative Governing Board of  
the First Judicial District of Pennsylvania  
President Judge, Court of Common Pleas of  
Philadelphia County*

[Pa.B. Doc. No. 17-1157. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

**Judicial Administration Rule of the Court of Common Pleas; No. AD000-218 of 2017-PJ Rules Doc.**

#### Order of Court

*And Now, to-wit, this 29th day of June, 2017, It Is Hereby Ordered, Adjudged and Decreed, that the following Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Judicial Administration, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the Pennsylvania Bulletin:*

**RULE OF JUDICIAL ADMINISTRATION 4007—Requests for Transcripts**

**RULE OF JUDICIAL ADMINISTRATION 4008—Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof**

*By the Court*

JEFFREY A. MANNING,  
*President Judge*

### ALLEGHENY COUNTY LOCAL RULES OF JUDICIAL ADMINISTRATION

#### Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted using a "Fifth Judicial District Transcript Request Form" available at the Allegheny County Office of Court Reporters, the Allegheny County Department of Court Records and on the Fifth Judicial District of Pennsylvania Website. Requests shall be submitted to the Allegheny County Office of Court Reporters, or in the event of emergency, the Court Reporter on a case.

(B) For an ordinary transcript, the requesting party shall serve copies of the request to:

- the judge presiding over the matter;
- the court reporter;
- the district court administrator or his or her designee. The Allegheny County Office of Court Reporters shall be the designee;
- opposing counsel, or if not represented, the opposing party;

(C) Requests for daily, expedited or same day transcripts shall be filed with the Office of Court Reporters at least 10 days prior to the proceeding. Copies of the written request shall be served as required by subsection (B). In the event of an emergency, a party may request a daily, expedited or same day transcript less than 10 days prior to the proceeding.

(D) Procedures for requesting parties, other than the Commonwealth or a subdivision thereof:

1) The requesting party shall make a deposit of 50% of the estimated cost of the transcript as determined by the Allegheny County Office of Court Reporters, unless the requesting party is in arrears regarding payment for transcripts previously ordered, in which case a deposit equal to the full amount of the estimated cost of the transcript may be required. The Office of Court Reporters, in its discretion, may require a flat deposit of \$50 rather than the percentage-based deposit ordinarily required. Payment shall be by check, money order, or cash. All checks and money orders made in payment for transcripts shall be payable to "Allegheny County".

2) The court reporter will begin transcribing the requested proceeding when either a deposit or court order granting waiver of costs is received by the Office of Court Reporters.

3) The court reporter or Office of Court Reporters will notify the parties when the transcript is complete. Checks or money orders shall be delivered to the Office of Court Reporters. All checks and money orders issued in payment for transcripts shall be payable to "Allegheny County".

4) Delivery of the transcript to the parties will be made after final payment is received.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Pa.R.J.A. 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

#### Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

##### (A) Costs

1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in paper or electronic format shall be:

- a) for an ordinary transcript, \$3.00 per page;

- b) for an expedited transcript, \$4.50 per page;
- c) for a daily transcript, \$6.00 per page; and
- d) for same day delivery, \$9.00 per page.

(B) *Economic hardship—minimum standards*

1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who is represented by a court-appointed attorney or has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

4) A litigant who is currently represented by a court-appointed attorney or who has a court order granting in forma pauperis status shall be entitled to a waiver of costs for ordinary transcripts after documentation of such is provided to the Office of Court Reporters.

5) Other litigants who are only requesting a waiver of all or a portion of costs for ordinary transcripts shall make such request by filing a "Petition for Waiver of Transcript Costs" with the appropriate Division of the Court. This petition is available at the Office of Court Reporters, the Department of Court Records and on the Fifth Judicial District Website. The Petition must be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure and the related "Fifth Judicial District Transcript Request Form" must be attached. An order granting such a waiver will be applicable to the specified transcript request only.

(C) *Copies of transcript*

A request for a copy, in paper or electronic form, of a transcript shall be provided according to the following schedule for requesters other than the Commonwealth or a subdivision thereof:

- 1) for an ordinary transcript, \$2.00 per page;
- 2) for an expedited transcript, \$3.00 per page;
- 3) for a daily transcript, \$4.00 per page; and
- 4) for a same day delivery transcript, \$6.00 per page.

[Pa.B. Doc. No. 17-1158. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONROE COUNTY

#### Implementation of Local Orphans' Court Rules; 5 CV 2017 ADM # 49

##### Order Pursuant to Pa.R.J.A. 103(d)

Whereas, the Pennsylvania Supreme Court has adopted revised statewide Orphans' Court Rules; and

Whereas, the said Pennsylvania Orphans' Court Rules authorize local courts to adopt local Orphans' Court Rules; and

Whereas, the proposed local Orphans' Court Rules for Monroe County have been submitted to and approved by the Pennsylvania Orphans' Court Procedural Rules Committee;

Therefore, this 28th day of June, 2017, it is *Ordered* that the following Rules of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania, Monroe County, are implemented, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Orphans' Court Rules of Monroe County.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of this local rule with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. File two paper copies and one electronic copy of this local rule in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in *Pennsylvania Bulletin*.

3. Provide one copy of this local rule to the Monroe County Law Library.

4. Keep such local rule changes, as well as all local rules of this Court, continuously available for public inspection and copying in the Office of the Prothonotary of Monroe County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).

6. Arrange to have the local rule changes, as well as all local rules, published on the 43rd Judicial District website at [www.monroepacourts.us](http://www.monroepacourts.us).

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

### CHAPTER I—PRELIMINARY RULES

#### Rule 1.1. Short Title and Citation.

These Rules shall be known as the Monroe County Orphans' Court Rules and shall be referred to individually herein as "Rule" and cited as "Monroe County O.C. Rule \_\_\_\_".



**Rule 1.2. Construction and Application.**

These Rules supplement the Pennsylvania Orphans' Court Rules which govern all other aspects of the Rules of the Orphans' Court.

**Rule 1.6. Mediation.**

All interested parties in a matter may use mediation to resolve issues pending before the Court, and upon either partial or complete resolution, may petition the Court to approve the agreement of all interested parties as an order or decree of the Court.

a) The interested parties may engage the services of a mediator, either prior to or after any party in interest has filed a Pleading before the Court, including an Account filed by a fiduciary for audit.

b) All interested parties in a matter docketed before the Court may motion to engage in mediation at any time during the pendency of the matter. Such mediation shall take place within ninety (90) days of the request being made to the Court, unless extended by order of Court upon motion of any interested party.

c) The motion for mediation shall identify:

1. The proposed mediator and the proposed source of payment of fees and costs of the mediator;

2. Names and contact information of all interested parties and any counsel who shall participate in the mediation;

3. Names and information regarding any interested parties having diminished capacity or a legal disability, whose interests must be adequately protected; and

4. The scheduled date for the initial mediation conference, if known in advance.

d) All interested parties shall keep matters discussed in mediation confidential.

e) Mediation shall not delay the required filing of any Pleading or ordered return dates, or the scheduling of Court Hearings, unless specifically requested by interested parties and so ordered by the Court.

f) Within twenty (20) days of completion of mediation, all interested parties, or their counsel where appropriate, shall sign a memorandum of principal terms, which either shall acknowledge that no resolution was reached, or shall embody the resolutions attained. This memorandum of principal terms shall clearly state partial resolutions or complete resolution attained. The memorandum of principal terms shall include a list of unresolved issues to be determined by the Court. Where appropriate, the principal terms could provide for future review in light of changed circumstances or a change in the operative facts. The memorandum of principal terms agreed upon, or the statement of no resolution, together with a petition to approve any agreement reached by the parties shall be filed with the Clerk of the Orphans' Court and a copy served on the presiding judge.

g) In no event shall the terms agreed upon depart from or violate any provisions of applicable law, specifically including the Older Adults Protective Services Act, the Act of Dec. 18, 1996, P.L. 1125, No. 169 (35 P.S. §§ 10225.101—10225.5102), as may be amended.

h) The parties may select a mediator of their own choosing and conduct the mediation in conformance with this Local Rule, or may participate in the Monroe County Mediation Program as set forth in the Monroe Co.R.C.P. 212.5 in conformance with this Local Rule and the requirements of Monroe Co.R.C.P. 212.5.

**Rule 1.7. Entry and Withdrawal of Counsel.**

a) *Appearance.* The written appearance required by Pa. Orphans' Court Rule 1.7 shall include the attorney's name, address, telephone number and attorney I.D. number.

b) *Withdrawal.* Counsel who has entered an appearance in a matter pending solely before the Register of Wills, shall be permitted to withdraw upon good cause provided to the Register of Wills by filing a written notice of the withdrawal with the Register of Wills and a copy to all interested parties, heirs, and any other counsel in the matter by first class United States mail postage pre-paid. Counsel who have entered an appearance before the Court may only withdraw as counsel as set forth in Pa. Orphans' Court Rule 1.7(b).

**CHAPTER II—ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS****Rule 2.5. Notice of Account Filing.**

In addition to the requirements set forth in Pa. Orphans' Court Rule 2.5, notice of an account filing shall also be made by the Clerk of the Orphans' Court giving notice by advertisement of the date, time, and place of each monthly submission of accounts to the Court.

Such advertisement shall be published once per week for two (2) successive weeks immediately preceding the date of submission of the accounts to the Court in the *Monroe Legal Reporter* and a newspaper of general circulation in Monroe County.

**Rule 2.9. Confirmation of Accounts/Schedules for Distribution.**

a) *Accounts.* If no objections are filed, or if a written approval of all interested parties who may be affected thereby is attached to the Account, then the Account shall be forwarded by the Clerk of the Orphans' Court to the Court for approval.

b) *Schedules for Distribution.*

1. *Filing.*

The Court in the adjudication, when requested or found advisable, or in any case when real estate is to be awarded in kind, may direct the accountant to file a schedule of distribution in conformity with the awards of the adjudication. Attached to such schedule when filed shall be a certification by the accountant and counsel for the accountant:

a) That the schedule is correct and in accordance with the adjudication;

b) That the notice of the filing thereof has been duly given, or that the same is unnecessary by reason of a written approval of the schedule filed therewith by all interested parties affected thereby or by counsel of record.

2. *Notice.*

Notice of the filing of a schedule of distribution shall be given in writing, together with a copy of the schedule, prior to the filing thereof, to all interested parties who may be affected thereby, or their counsel of record, who do not attach or file their written approval with the schedule. Proof of notice shall be filed with the Court as set forth in Pennsylvania Orphans' Court Rule 4.3.

3. *Confirmation.*

Confirmation of a schedule of distribution shall be in the same manner as Monroe County O.C. Rule 2.9(a) pertaining to Accounts.

#### 4. *Objections.*

Written objections, if any, to a schedule of distribution shall be filed within twenty (20) days after the filing of the schedule and shall indicate in what respect the schedule is incorrect or fails to conform with the adjudication.

#### **Rule 2.10. Filing Report of Unknown Distributees.**

The report required by Pa. Orphans' Court Rule 2.10 regarding Unknown Distributees shall be submitted in writing and acknowledged by a notary public. The report shall be filed with the Clerk of the Orphans' Court no later than the time of filing the account and statement of distribution.

### **CHAPTER III—PETITION PRACTICE AND PLEADING**

(Intentionally left blank—Local Rule Rescinded on 9/1/16)

### **CHAPTER IV—FORMAT AND SERVICE OF LEGAL PAPER BY PARTIES AND COURT; ELECTRONIC FILING**

(Intentionally left blank—Local Rule Rescinded on 9/1/16)

### **CHAPTER V—RULES GOVERNING SPECIFIC TYPES OF PETITIONS**

(Intentionally left blank—Local Rule Rescinded on 9/1/16)

### **CHAPTER VI—RESERVED**

(Local Rule Rescinded on 9/1/16)

### **CHAPTER VII—RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE**

(Intentionally left blank—Local Rule Rescinded on 9/1/16)

### **CHAPTER VIII—RECONSIDERATION**

(Intentionally left blank—Local Rule Rescinded on 9/1/16)

### **CHAPTER IX—AUDITORS AND MASTERS**

(Intentionally left blank—Local Rule Rescinded on 9/1/16)

### **CHAPTER X—REGISTER OF WILLS**

#### **Rule 10.4. Appeals From Register of Wills.**

##### *a) Contents of Petition.*

A petition appealing the decision of the Register of Wills shall be filed with the Clerk of the Orphans' Court and shall set forth:

1. an outline of the proceedings before the Register of Wills;
2. the nature of the dispute which has arisen;
3. the names and addresses of all interested parties, including those who have not been made parties to the record;
4. a request for certification of the record;
5. a request that any testimony taken before the Register of Wills be transcribed;
6. a request that a citation be issued to show cause why the relief should not be granted;

*b) Petition Where Record Certified on Register of Wills' Own Motion.*

When the certification of the Register of Wills' record has been prepared and filed on the Register of Wills' own motion, a petition requesting a citation with rule to show cause to be issued, shall be filed by any interested party.

##### *c) Service of Petition and Citation.*

The citation and a copy of the petition for appeal shall be served by the moving party on all other interested parties and a certificate of service shall then be filed within five (5) days with the Clerk of the Orphans' Court.

##### *d) Order to place on Hearing List or Request for Argument.*

Subsequent to the return date of the citation, and after the proof of service has been filed with the Clerk of the Orphans' Court, any interested party may file a motion requesting the Court schedule a hearing, or if appropriate, file a Request for Argument in the manner proscribed by Monroe Co.R.C.P. 208.3(a)(3).

### **CHAPTER XI—RESERVED**

(Local Rule Rescinded on 9/1/16)

### **CHAPTER XII—RESERVED**

(Local Rule Rescinded on 9/1/16)

### **CHAPTER XIII—RESERVED**

(Local Rule Rescinded on 9/1/16)

### **CHAPTER XIV—GUARDIANSHIP OF INCAPACITATED PERSONS**

(Intentionally left blank—Local Rule Rescinded)

### **CHAPTER XV—ADOPTIONS**

#### **Rule 15.1. Caption and Docket Entry.**

The caption for all pleadings and docket entry for voluntary relinquishment to an agency, voluntary relinquishment to an adult intending to adopt child, involuntary termination of parental rights, and adoption shall carry the given name of the child.

#### **Rule 15.2. Investigation of Adoption.**

The investigation of adoption performed as required by 23 Pa.C.S.A. § 2535 shall be completed and filed no later than six (6) months after the filing of the notice of intention to adopt filed under 23 Pa.C.S.A. § 2531. The investigation of adoption shall be sealed by Court order with the adoption file.

#### **Rule 15.3. Informational Statement—Investigation of Financial Arrangements.**

In all adoption proceedings, in which a voluntary relinquishment is contemplated, at the time of the agreement for voluntary placement of the child, the intermediary shall provide the Court with a written informational statement setting forth the name of the birth parents, their addresses and telephone numbers, and the names of the proposed adoptive parents, their address and telephone number. Any written agreements between the parties regarding financial arrangements shall be attached to the informational statement. Thereafter, the Court may have an adoption investigator investigate all financial arrangements made between the birth parents, intermediary, and the adoptive parents, and provide a report to the Court. No payments of any type may be made to either of the birth parents or the intermediary, unless they are disclosed to the Court or the Court investigator, and specifically approved by the Court prior to payment.

**Rule 15.4. Voluntary Agreement for Continuing Contact.**

Any voluntary agreement for continuing contact between the parties pursuant to 23 Pa.C.S.A. 2731 et. seq. shall be filed with the Petition for Adoption or at the time of the Termination of Parental Rights and/or Adoption Hearing.

**Rule 15.5. Request for Adoption Information.**

a) A "Request for Adoption Information About or Contact With Specified Persons" pursuant to Act 101 of 2010, set forth at 23 Pa.C.S.A. § 2911, et seq. shall be filed with the Clerk of Courts who shall treat it as a motion to the Court.

b) An Authorized Representative of the Court, as appointed by Administrative Order of the President Judge, shall have limited special authority to supply nonidentifying information from the Court's record to the Requestor and to investigate identifying information pursuant to Act 101 of 2010.

*c) Nonidentifying Information Requests:*

Pursuant to 23 Pa.C.S.A. § 2932(b), Nonidentifying Information shall be provided by the Authorized Representative to the Requestor, at Requestor's expense. Such information shall be provided within 120 days of the Requestor making payment of reasonable fees to the Authorized Representative.

*d) Identifying Information Requests.*

If identifying information is sought by the Requestor, the following shall apply:

1. Authorized Representative and Requestor shall each review Sections 2932, 2933, and 2934 (relating to medical and social history information if such a statement was filed in the adoption proceeding) of the Adoption Act "Nonidentifying Information", "Identifying Information.", and "Medical and Social History Information".

2. Prior to the Authorized Representative beginning any investigative work, Requestor and Authorized Representative should discuss and agree upon all aspects of reasonable compensation related to Authorized Representative's investigation, including costs and expenses, how Requestor will be billed for time expended, and when payment is due. If Requestor and Authorized Representative cannot agree as to all aspects of compensation, Requestor may withdraw his/her Request for Adoption Information by filing a letter stating such with the Clerk of the Orphans' Court.

3. In conducting its investigation and attempting to contact Requestor's natural parents, Authorized Representative shall "ensure that no individual, other than a birth parent is informed of the adoptee's existence and relationship to the birth parent."

4. Authorized Representative is authorized to take "reasonable efforts to locate the subject of the search" and "obtain written authorization from the subject before identifying information is released or contact between the parties is made." If Authorized Representative has concerns or needs additional court authority to exercise its duties, Authorized Representative may state such in a letter to the Court and file it with the Clerk of Orphans' Court.

5. If Requestor's natural parent(s) consent to the release of his/her/their identity and present a place of residence to the Requestor-adoptee, Authorized Representative should obtain written consent from the natural parent(s) and file that consent with the Clerk of the Orphans' Court.

6. If the natural parent(s) have consented to the release of their identity and present place of residence, Authorized Representative is authorized to contact Requestor directly and disclose this information, unless Authorized Representative recommends by letter to the Court that Requestor be notified in a different manner.

7. Authorized Representative shall file a final report with the Clerk of Orphans' Court summarizing what investigative actions were taken, what information was learned, and what information, if any, was disclosed to Requestor and when it was disclosed, even if only "non-identifying" information was requested.

8. Until the Authorized Representative files a final report, the Authorized Representative shall file with the Clerk of Orphans' Court, a status report within one year of the original Request and on each annual anniversary of the filing of the Request.

9. Any documents or letters received by the Clerk of Orphans' Court and related to this matter shall contain a caption referencing the adoptee's name and the docket number so they remain confidential and properly filed.

10. If Authorized Representative wishes to cease being involved in this or other cases, it shall inform the Court immediately in writing by filing a motion with the Orphans' Court.

11. The Authorized Representative shall commence search for "identifying information" if requested, within 120 days of payment of reasonable fees to the Authorized Representative for services to be rendered.

**CHAPTER XVI—PROCEEDINGS PURSUANT TO SECTION 3206 OF THE ABORTION CONTROL ACT****Rule 16.5. Assistance in Preparation of Filings/Right to Legal Representation.**

a) The Clerk of the Orphans' Court shall have appropriate personnel, familiar with Pa.O.C. Rule 16.1 et seq. and Section 3206 of the Abortion Control Act, available to assist parties in preparing the application.

b) The applicant shall be entitled to legal representation. In the event the applicant does not have private legal counsel, the Court shall appoint legal counsel/guardian ad litem upon its own motion to represent the applicant in proceedings under Section 3206 of the Abortion Control Act.

**Rule 16.10. Forms for Filing.**

Parties filing an application with the Court pursuant to 18 Pa.C.S.A. § 3206 shall use forms prepared and filed in substantial conformity with the requirements of Pa.O.C. Rule 16.10 and as may be provided on the AOPC website. The Clerk of Courts shall, when necessary, direct parties to use the forms available on the AOPC website.

[Pa.B. Doc. No. 17-1159. Filed for public inspection July 14, 2017, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### STATE BOARD OF EXAMINERS IN SPEECH- LANGUAGE PATHOLOGY AND AUDIOLOGY

#### [ 49 PA. CODE CHS. 43b AND 45 ]

#### Fees; General Revisions

The State Board of Examiners in Speech-Language Pathology and Audiology (Board) and the Commissioner of Professional and Occupational Affairs (Commissioner) jointly amend §§ 43b.16a, 45.1, 45.2, 45.11—45.17, 45.20—45.22, 45.102, 45.103, 45.301, 45.304, 45.305, 45.307, 45.308, 45.401, 45.501, 45.505 and 45.507, rescind §§ 45.18 and 45.19 and add §§ 45.23 and 45.24 (relating to provisional licenses; and certification to utilize neurophysiologic intraoperative monitoring) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 5(2) of the Speech-Language Pathologists and Audiologists Licensure Act (act) (63 P.S. § 1705(2)) authorizes the Board to adopt and revise rules and regulations consistent with the act as may be necessary to implement the provisions of the act. Section 5(7) of the act specifically authorizes the Board to establish standards of eligibility for license renewal, which includes demonstration of satisfactory completion of continuing education. Additionally, section 8.1 of the act (63 P.S. § 1708.1) requires that the Board issue certifications to audiologists utilizing neurophysiologic intraoperative monitoring (IOM).

In connection with the fees, section 7(d)(1) of the act (63 P.S. § 1707(d)(1)) authorizes the Board to issue provisional licenses to qualifying applicants who submit an application and an accompanying fee. Additionally, section 8(a) of the act (63 P.S. § 1708(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. Finally, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs.

With regard to the schedule of civil penalties, section 5 of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205) authorizes the Commissioner, upon consultation with the Board, to adopt a schedule of civil penalties for violations under the act and regulations of the Board.

#### *Background and Purpose*

The final-form rulemaking implements the act of July 2, 2014 (P.L. 971, No. 106) (Act 106) by regulating the practice of speech-language pathology and audiology, eliminating references to teachers of the hearing impaired and adding credentials for provisional licenses and certificates to utilize IOM. This final-form rulemaking also adopts related fees and increases biennial renewal fees.

#### *Summary and Responses to Comments*

Notice of proposed rulemaking was published at 46 Pa.B. 6853 (October 29, 2016), with a 30-day public comment period. The Board received comments from the following public commentators: Anne Gilbertson, President, Pennsylvania Speech-Language-Hearing Association (PSHA); Roy Shinn, Ph.D., Professor and Chair, Speech, Language and Hearing Department, Edinboro University; and James L. Shafer, AuD, Vice President of Governmental Affairs, Pennsylvania Academy of Audiology (PAA). The Independent Regulatory Review Commission (IRRC) also submitted comments. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comments.

#### *§ 45.1. Fees*

In the proposed rulemaking, the Board provided a fiscal analysis for the additional revenue that it expects to be produced by the new provisional license and IOM certificate fees and the increased biennial renewal fees. IRRC asked the Board to provide the expected expenditures for the same period. The Department of State's Bureau of Finance and Operations (BFO) pointed out to the Board that at the current fee levels, with the elimination of the teacher of the hearing impaired licensure classification, the Board currently receives revenue of approximately \$425,000 over a 2-year period. Conversely, budgeted expenditures for the next 2 fiscal years (Fiscal Year (FY) 2016-2017 and FY 2017-2018) are currently projected at \$510,000—an operating deficit of \$85,000. The Board raises the majority (approximately 85%) of its revenue through biennial renewal fees. A small percentage (approximately 15%) of its revenue comes from other fees, fines and civil penalties. Beginning with projected FY 2018-2019 and continuing through projected FY 2027-2028, with the advent of the new fees, the Board's biennial revenues are anticipated to grow to \$670,000 per biennium while expenditures for the same period would grow from \$595,000 (in FYs 2018-2019 and 2019-2020) to \$631,000 (in FYs 2020-2021 and 2021-2022) to \$670,000 (in FYs 2022-2023 and 2023-2024) to \$711,000 (in FYs 2024-2025 and 2025-2026) to \$755,000 (in FYs 2026-2027 and 2027-2028). If the projections hold, the Board will evaluate the renewal fees again in FY 2022-2023. The BFO's projections were attached to the Regulatory Analysis Form provided to IRRC and are available upon request.

#### *§ 45.2. Definitions*

IRRC recommended that the Board add a definition for IOM and revise the proposed definitions of "practice of audiology" and "practice of speech-language pathology" by including meaningful statutory provisions. Owing to IRRC's concerns, the Board added the statutory definition of "neurophysiologic intraoperative monitoring." In addition, the Board added specific examples delineated in section 3 of the act (63 P.S. § 1703) into the definition of

“practice of audiology” and the instances of unprofessional conduct in § 45.103(22) and (23) (relating to unprofessional conduct).

The Board did not revise the definition of “practice of speech-language pathology” because it is the Board’s position that the amended definition closely interprets the definition in section 3 of the act. Subparagraphs (vii) and (ix) in the regulatory definition encompass elective modification of communication behaviors and enhancement of communication specified in paragraph (1) of the statutory definition. Subparagraph (vi) in the regulatory definition addresses the identification of nonmedical speech, language, swallowing, cognitive and social aspects of communication by developing and providing speech, language, voice, swallowing, cognitive and social aspects of communication-related screening programs for persons of all ages as listed in paragraph (2) of the statutory definition. Subparagraphs (ii)—(iv), (vii) and (x) in the regulatory definition encompass providing nonmedical diagnosis, evaluation and remediation services for disorders of speech, language, voice, swallowing, cognitive and social aspects of communication specified in paragraph (3) of the statutory definition. Subparagraphs (iv) and (vi) in the regulatory definition encompass establishing augmentative and alternative communication techniques and strategies, including selecting, recommending and dispensing of augmentative aids and devices specified in paragraph (4) of the statutory definition. Subparagraphs (v), (vii), (viii) and (ix) in the regulatory definition describe the provision of nonmedical services to individuals with hearing loss and their families, that is auditory training, speech reading and speech and language intervention secondary to hearing loss specified in paragraph (5) of the statutory definition. Subparagraph (i) in the regulatory definition corresponds to the statutory requirement in paragraph (6) to provide hearing screening limited to pass or fail for the purposes of identification of individuals with potential disorders of hearing. Subparagraphs (iv), (vi), (viii) and (x) in the regulatory definition include the statutory requirement in paragraph (7) of the statutory definition regarding the training of individuals, their families and other communication partners in the use, selecting, fitting and establishment of effective use of appropriate prosthetic and adaptive devices for speaking and swallowing. Subparagraphs (i), (vi), (viii) and (x) in the regulatory definition relate to paragraph (8) of the statutory definition involving the use of instrumental technology to provide nonmedical diagnosis, nonmedical treatment and nonmedical services for disorders of communication, voice and swallowing. Paragraph (9) of the statutory definition regarding the requirement of a medical evaluation is in § 45.103(23). The Board did make clarity edits to eliminate the need to refer to both the statutory and regulatory definitions because everything in the statutory definition is fairly covered by the regulatory definition.

The PSHA requested and IRRC concurred that the Board should amend the reference to the American Speech-Language-Hearing Association’s (ASHA) 2003 Scope of Practice in Audiology and the 2007 Scope of Practice of Speech-Language Pathology documents to reflect the ASHA’s adoption of updated documents in 2016 following publication of the proposed rulemaking. The Board reviewed the ASHA’s 2016 definitions and finds them to be consistent with the definitions in the act. Therefore, the Board has implemented the recommendation and revised the date to reflect the most recent documents in both definitions.

The PAA requested that the Board list the American Academy of Audiology (AAA) as a governing body in the definitions. In that the AAA is specifically listed in subparagraph (xv)(B) of the final-form definition of “[p]ractice of audiology,” and is not used elsewhere in the regulations, the Board has not revised the definitions. The PAA also recommended that the Board delete “provided there is no conflict with the act or this chapter” when incorporating the National professional organizations’ definitions of “practice of audiology” and “practice of speech-language pathology.” The Board did not make this change owing to concerns that doing so could be considered an improper delegation of authority as the parameters for the scopes of practice are contained in the statutory definitions in section 3 of the act. This is further clarified by the requirement in section 5(9) of the act that the Board promulgate a new regulation whenever the National professional organizations amend their scope of practice definitions.

#### § 45.12. Licensure application procedures

Section 45.12 (relating to licensure application procedures) requires applicants for licensure to submit the required fees, a completed, signed and dated application, and applicable documentation. IRRC asked the Board to add the specific documentation required in the final-form rulemaking. The documentation required is determined by the type of application submitted and the applicant’s employer. For example, speech-language pathology applicants seeking licensure under section 7(a)(1) of the act shall submit documentation verifying their supervised professional experience while audiology applicants seeking licensure under section 7(a)(2) of the act do not need to submit experience documentation. Additionally, applicants seeking a waiver of the examination requirement under section 7(b)(1) of the act shall submit a letter of good standing from the state wherein the applicant holds/held a license and a copy of the applicable laws and regulations from those states so that the Board can determine equivalence with the educational requirements. Applicants seeking a waiver based upon current ASHA certification under section 7(b)(2) of the act shall submit a verification from the ASHA that applicant possesses a current Clinical Competence from the ASHA’s Council for Clinical Certification based upon having obtained the required education and passing the licensure examination. Similarly, applicants seeking a waiver under the grandfather provision in section 7(c) of the act shall submit the specific education and employment verifications to meet the requirements of this subsection.

Applicants who are employed by organizations or corporations that engage in the practice of speech-language pathology or audiology also shall submit employer certifications with their applications under sections 16 and 17 of the act (63 P.S. §§ 1716 and 1717). Similarly, applicants who have different names than the ones used to apply for licensure shall submit a copy of the legal name document. Because of the various permutations, the Board has not set forth the specific documentation required. Rather, the instructions for the various applications, which appear on the Board’s web site, specifically set forth the applicable documentation required.

#### § 45.14. Reactivation of licensure status

Proposed § 45.14(a) (relating to reactivation of licensure status) required licensees who wish to reactivate an expired or inactive license to apply for reactivation, pay the registration fee and submit a “verification of nonpractice.” IRRC asked the Board to clarify what documentation would need to be submitted and how it is

to be submitted to the Board. The Board clarifies in this final-form rulemaking that a licensee is required to verify that the licensee has not practiced in this Commonwealth while the license was expired or inactive. This verification, as is set forth in the reactivation instructions, can be in a letter to the Board, submitted on a form provided by the Board or, in the future as the Board converts many of its applications to online formats, submitted electronically through an online verification.

§ 45.17. *Education requirements*

§§ 45.18 and 45.19. *(Reserved)*

Professor Shinn recommended that the Board retain the former educational requirements in addition to the accreditation requirements so that the Board does not become dependent on the accreditation standards, some of which the Board may not support. The amendments to § 45.17 (relating to education requirements) track the changes to section 7 of the act. For speech-language pathologists, applicants shall possess a master's degree from an academic program accredited by an accrediting agency approved by the Board. For audiologists, applicants shall possess a doctoral degree in audiology from an academic program accredited by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. The Board will not approve an accrediting agency with standards that the Board does not support. The Board will post a list of approved accrediting agencies on its web site.

In light of the educational changes in section 7 of the act, the Board is divested from imposing additional educational standards or permitting alternative educational pathways. As a result, §§ 45.18 and 45.19 are no longer applicable and are rescinded.

§ 45.20. *Supervised professional experience required for licensure as a speech-language pathologist*

In the preamble to the proposed rulemaking, the Board clarified that unlike audiology students who complete their supervised professional experience during the last year of their doctoral degree programs, speech-language pathology students complete their supervised professional experience after their degrees are conferred. IRRC requested that the Board specify in this final-form rulemaking that this provision only applies to persons seeking licensure as speech-language pathologists. Owing to IRRC's request, the Board revised this section heading to "supervised professional experience required for licensure as a speech-language pathologist."

This section requires that the experience be supervised by a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained. The PSHA recommended that the Board replace "supervisor" and "supervision" with "mentor" and "mentoring" in subsection (d) to conform to Principle I(D) of ASHA's Code of Ethics. Supervisor and supervision are also used in subsections (a) and (c). In light of the specific statutory language in section 7(a)(1) of the act requiring supervised professional experience in the field of speech-language pathology, the Board believes it should not replace supervisor with mentor or supervision with mentoring.

§ 45.22. *Foreign-trained applicants*

In the proposed rulemaking, the Board split § 45.22 (relating to foreign-trained applicants) into separate subsections for speech-language pathologists and audiologists because the educational requirements for the two profes-

sions differ as set forth in section 7(a) of the act. Although both subsections mentioned the requirement that foreign-trained applicants for licensure take the licensure examination, the proposed deletion of subsection (b), which specifically required passing the examination, caused confusion so that IRRC and Professor Shinn questioned why the Board proposed to delete the requirement. Professor Shinn recommended that the Board reinsert it.

Because it was not the Board's intention to delete the examination requirement as a precondition for licensure of foreign-trained applicants, the Board withdraws the proposal to delete subsection (b). In addition, the Board amends subsection (a) in this final-form rulemaking to include the requirements for speech-language pathology and audiology applicants.

§ 45.23. *Provisional licenses*

Section 45.23 stems from the authorization in section 7(d) of the act to issue provisional licenses to: (1) speech-language pathologists and audiologists licensed in other states; (2) speech-language pathologists who are completing their supervised professional experience; and (3) audiologists who are applying for licensure or post-doctoral graduate students completing additional post-graduate professional experience. Subsection (a)(1)(i) and (2)(i) tracks the statutory time frame of 6 months because the applicant has completed all of the requirements for licensure but is awaiting the issuance of the license by the Board. Subsection (a)(1)(ii) and (2)(ii) tracks the statutory time frame of 18 months enabling individuals to practice speech-language pathology or audiology while completing the professional experience. Because audiologists complete their supervised professional experience as part of their audiology degree, the Board understands this provision to apply to individuals seeking additional education, for example, a doctorate in education following the conferral of a doctorate in audiology. Subsection (a)(3) tracks the statutory time frame of 90 days for applicants who hold licenses in other states.

IRRC questioned whether an audiologist holding a provisional license may renew the provisional license since subsection (d) only addresses speech-language pathologists. The PAA also sought verification that audiologists may renew provisional licenses. As reflected in subsection (a)(1)(ii) and (2)(ii), which tracks section 7(d)(1) of the act (as well as the fee for the renewal of a provisional license in § 45.1 (relating to fees)), speech-language pathologists and audiologists who are obtaining professional experience are permitted to renew their provisional licenses. Proposed subsection (d) added the additional requirement that speech-language pathology provisional license holders who are completing their supervised professional experience shall update the Board regarding their acquisition of supervised professional experience. Because the Board believed that audiology post-doctoral graduates would likely complete their additional post-graduate professional experience within the 18-month provisional license timeframe, it did not include this group in subsection (d). Owing to the PAA's concern, however, the Board added audiologists who obtain a provisional license under final-form subsection (a)(2)(ii) to subsection (d).

§ 45.102. *Code of Ethics*

Principle of Ethics I(1) in subsection (c) reiterates the prohibition in the definitions of "practice of audiology" and "practice of speech-language pathology" against speech-language pathologists and audiologists providing medical diagnosis and medical treatments. The PAA



requested that the Board carve out an exemption for certain diagnostic codes for insurance billing purposes in subsection (c) so that there would not be confusion over insurance reimbursement for audiologic procedures that audiologists currently perform. The only changes made to this provision from the former version is the deletion of references to teachers of the hearing-impaired. The Board does not believe that it has, in any way, altered the standard for insurance reimbursement for audiologic procedures that audiologists perform. In fact, the Board does not have jurisdiction to regulate in any manner regarding insurance reimbursement. Given the specific statutory language in section 2 of the act (63 P.S. § 1702) and throughout the act clearly referring to nonmedical diagnosis and treatment, the Board did not see a reason to revise this section or to carve out exceptions related to specific insurance billing codes.

*§ 45.103. Unprofessional conduct*

The Board proposed to add a requirement in paragraph (24) that licensees utilize universal precautions based upon the Centers for Disease Control and Prevention's (CDC) recommendation for all health care providers as well as the standard in the professions enunciated by the ASHA and the AAA. IRRC did not oppose the addition of this provision but requested that the Board add a more definitive explanation of what precautions and infection control methods would be acceptable since the violation of these precautions would subject a licensee to discipline. Owing to IRRC's concern, the Board revises paragraph (24) to require licensees to follow the CDC's 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings available on the CDC's web site at <https://www.cdc.gov/hicpac/2007IP/2007IsolationPrecautions.html>.

*Subchapter E. Assistants*

In §§ 45.301, 45.304, 45.305, 45.307 and 45.308, the Board deletes references to teachers of the hearing-impaired. The PAA requested that the Board further amend §§ 45.301 and 45.304 (relating to definitions; and minimum education, experience and training requirements) to enable audiologists to apply the same delegation rubric to assistants as the State Board of Medicine uses for physician delegation to assistants and technicians in §§ 18.401 and 18.402 (related to definitions; and delegation). Under section 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1202), known as the Commonwealth Documents Law, the Board is precluded from making amendments to this final-form rulemaking that enlarge the original purpose of the proposed rulemaking. Because the only basis for this final-form rulemaking is implementing Act 106 and increasing biennial renewal fees, the Board cannot, at this stage in the rulemaking process, add substantive provisions concerning delegation. To give stakeholders the opportunity to comment on this proposal, the Board will consider addressing delegation in a subsequent rulemaking.

*Fiscal Impact and Paperwork Requirements*

This final-form rulemaking will increase the initial and biennial renewal fees for licensees of the Board and adopt a new fee for the issuance of provisional licenses. There are currently approximately 7,353 actively licensed speech-language pathologists and 947 actively licensed audiologists, a total of approximately 8,300 licensees who will be required to pay \$19 more to renew their licenses. Additionally, approximately 650 applicants apply for licensure annually. The vast majority of licensees and applicants are considered to be working for small busi-

nesses. They will be impacted because their license fees will increase. This final-form rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

This final-form rulemaking will require the Board to alter some of its forms to reflect the new fee and create new applications for provisional licenses and IOM certifications. Audiologists seeking IOM certification will be required to file additional paperwork with the Board. However, this final-form rulemaking will not create other additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 19, 2016, the Commissioner and the Board submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 6853, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 14, 2017, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 15, 2017, and approved the final-form rulemaking.

*Additional Information*

Additional information may be obtained by writing to Sandra Matter, Board Administrator, State Board of Examiners in Speech-Language Pathology and Audiology, P.O. Box 2649, Harrisburg, PA 17105-2649.

*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) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.
- (3) The amendments made to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 46 Pa.B. 6853.
- (4) The amendments to the regulations of the Board are necessary and appropriate for the regulation of the practice of audiology and speech-language pathology in this Commonwealth.

*Order*

The Commissioner and the Board, acting under its authorizing statute, order that:

- (a) The regulations of the Commissioner and the Board, 49 Pa. Code Chapters 43b and 45, are amended by adding §§ 45.23 and 45.24, deleting §§ 45.18 and 45.19

and amending §§ 43b.16a, 45.1, 45.2, 45.11—45.17, 45.20—45.22, 45.102, 45.103, 45.301, 45.304, 45.305, 45.307, 45.308, 45.401, 45.501, 45.505 and 45.507 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Commissioner and the Board shall submit a copy of Annex A to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

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

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

(e) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

IAN J. HARLOW,  
Commissioner

*Bureau of Professional and Occupational Affairs*

JONETTE B. OWEN, AuD,  
Chairperson  
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(Editor's Note: See 47 Pa.B. 3672 (July 1, 2017) for IRRC's approval order.)

**Fiscal Note:** 16A-6803. (1) Professional Licensure Augmentation Account; (2) Implementing Year 2016-17 is -\$0; (3) 1st Succeeding Year 2017-18 is -\$3,680; 2nd Succeeding Year 2018-19 is -\$250; 3rd Succeeding Year 2019-20 is -\$5,200; 4th Succeeding Year 2020-21 is -\$250; 5th Succeeding Year 2021-22 is -\$5,200; (4) 2015-16 Program—\$245,226; 2014-15 Program—\$224,881; 2013-14 Program—\$209,071; (7) Professional and Occupational Affairs (R); (8) recommends adoption. Eliminating the license for teachers of the hearing impaired will result in a loss of fee revenue for the Board. However, increases to the application and biennial renewal fees for all speech-language pathologists and audiologists are necessary to cover current and future year Board expenses.

## Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

#### § 43b.16a. Schedule of civil penalties—audiologists and speech-language pathologists.

#### STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

<i>Violation under</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
63 P.S. § 1706	Practicing as an audiologist or speech-language pathologist on a lapsed license	0—12 months—\$50 per month Over 12 months—formal action 2nd offense—formal action
49 Pa. Code § 45.501	Failure to complete 20 hours of approved continuing education during a biennial renewal period	1st offense—\$100 per clock hour 2nd offense—formal action

### CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

#### Subchapter A. GENERAL PROVISIONS

#### § 45.1. Fees.

The following are the fees charged by the Board:

(1) Initial license .....	\$50
(2) Certification of licensure .....	\$15
(3) Biennial renewal of license .....	\$65
(4) Provisional license .....	\$50
(5) Provisional license renewal .....	\$30
(6) Certification to utilize neurophysiologic intraoperative monitoring .....	\$15
(7) Application for continuing education approval (other than preapproved provider) .....	\$40

#### § 45.2. Definitions.

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

*ASHA*—The American Speech-Language-Hearing Association.

*Act*—The Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701—1719).

*Biennial renewal period*—The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

*Board*—The State Board of Examiners in Speech-Language Pathology and Audiology.

*Business entity*—A lawful form of organization, including a corporation, partnership, trust, association, company or other similar form of organization.

*Clock hour*—Consists of 50 to 60 minutes of instruction or participation in an approved continuing education course or program.

*Continuing education record*—Report provided to a participant in a continuing education course or program by the provider which conforms to § 45.506(b) (relating to provider responsibilities).

*Direct supervision*—The personal, on-premises observation of activities performed by personnel working under the licensee or qualified training supervisor.

*Inactive license*—A license status in which the licensee notifies the Board that the licensee no longer requires an active license to practice.

*Lapsed license*—A license status in which the license has not been currently renewed.

*Licensees*—Speech-language pathologists and audiologists.

*Neurophysiologic intraoperative monitoring*—The process of continual testing and interpreting of results by the use of electrodiagnostic modalities to identify and monitor the functional integrity of neurological structures to reduce the risk of injury and complications related to the nervous system during a surgical procedure.

*Practice of audiology*—The application of principles, methods and procedures related to disorders of the auditory and vestibular systems including all of the following:

(i) Prevention of hearing loss by designing, implementing and coordinating industrial, school and community-based hearing conservation programs.

(ii) Identification of dysfunction of hearing, balance and other auditory-related systems by developing and overseeing hearing and balance-related screening programs for persons of all age, including newborn and school screening programs.

(iii) Administration of speech or language screening or other measures for the purpose of initial identification and referral of persons with other communicative disorders.

(iv) Assessment and nonmedical diagnosis and treatment of hearing and vestibular disorders through the administration of behavioral, psychoacoustic, electrophysiologic tests of the peripheral and central auditory and vestibular systems using standardized test procedures, including all of the following:

(A) Audiometry.

(B) Tympanometry.

(C) Acoustic reflex measures.

(D) Otoacoustic emissions.

(E) Auditory evoked potentials.

(F) Video and electronystagmography.

(G) Tests of central auditory function using calibrated instrumentation leading to the diagnosis of auditory and vestibular dysfunction abnormality.

(v) Assessment of candidacy of persons with hearing loss for cochlear implants.

(vi) Nonmedical treatment for persons with impairment of auditory function utilizing amplification and other assistive devices.

(vii) Selection, fitting, evaluation and dispensing of hearing aids and other amplification systems.

(viii) Fitting and mapping of cochlear implant devices and audiologic rehabilitation to optimize device use.

(ix) Fitting of middle ear implantable hearing aids, fully implantable hearing aids and bone-anchored hearing aids.

(x) Conducting otoscopic examinations.

(xi) Nonmedical treatment of persons with tinnitus using techniques including biofeedback, masking, hearing aids, education and counseling.

(xii) Counseling on the psychosocial aspects of hearing loss and the use of amplification systems.

(xiii) Administration of electrophysiologic measures of neural function, including sensory and motor-evoked potentials, and preoperative and postoperative evaluation of neural function.

(xiv) Use of neurophysiologic intraoperative monitoring of the central nervous system, spinal cord and cranial nerve function by an audiologist holding certification from the Board under § 45.24 (relating to certification to utilize neurophysiologic intraoperative monitoring) and upon delegation from and under the overall direction of a physician.

(xv) Acts within the definition of “practice of audiology” in the following documents, provided there is not a conflict with the act or this chapter:

(A) ASHA’s Scope of Practice in Audiology statement developed by the Coordinating Committee for ASHA Vice President for Professional Practices in Audiology and approved in 2016 by the Legislative Council.

(B) The American Academy of Audiology’s Scope of Practice document developed in 1992, and updated in 1996 and 2004.

(C) The Academy of Doctors of Audiology’s (ADA) Scope of Practice statement jointly crafted by the ADA and the Audiology Foundation of America (July 31, 2003).

*Practice of speech-language pathology*—The application of principles, methods and procedures of prevention, screening, consultation, identification, assessment and evaluation, determination of disorders and service delivery model, nonmedical treatment and intervention, counseling, collaboration and referral services for persons with known or suspected language, cognitive and linguistic, social, speech (resonance and voice, fluency and sound production), feeding and swallowing, orofacial myofunctional disorders or communication disorders, including all of the following:

(i) Screening individuals for hearing loss or middle ear pathology using conventional pure-tone air conduction methods, otoacoustic emissions screening and screening tympanometry.

(ii) Providing intervention and support services for children and adults diagnosed with speech-language or auditory processing disorders.

(iii) Using instrumentation to observe, collect data and measure parameters of communication and swallowing or other upper aerodigestive functions.

(iv) Developing, selecting and implementing multimodal augmentative and alternative communication systems, including aided and unaided strategies.

(v) Providing amplification services to children and adults with hearing loss.

(vi) Selecting, fitting and establishing effective use of devices for communication and swallowing other than hearing amplification.

(vii) Providing nonmedical treatment and instruction on modification or enhancement of communication performance.



(viii) Evaluating the functionality of amplification devices.

(ix) Providing auditory training involving individuals with hearing loss.

(x) Teaching and implementing techniques to assure safety and efficiency in swallowing.

(xi) Acts within the definition of "practice of speech-language pathology" developed by the ASHA's Ad Hoc Committee on the Scope of Practice in Speech-Language Pathology and approved by the ASHA Legislative Council in 2016, provided there is not a conflict with the act or this chapter.

*Provider*—An agency, organization, institution, college, university, professional society, association or center approved by the Board to offer an organized continuing education course or program.

### **Subchapter B. LICENSURE AND CERTIFICATION**

#### **§ 45.11. Licenses and certifications.**

The Board issues the following licenses and certifications:

- (1) Speech-language pathologist license.
- (2) Audiologist license.
- (3) Provisional license as a speech-language pathologist.
- (4) Provisional license as an audiologist.
- (5) Certification for an audiologist to utilize neurophysiologic intraoperative monitoring.

#### **§ 45.12. Licensure application procedures.**

(a) The applicant for licensure shall submit to the Board, along with required fees as provided by § 45.1 (relating to fees), a completed, signed and dated application and applicable documentation.

(b) Excluding applicants who fall within the exclusions in section 6(b) of the act (63 P.S. § 1706(b)), the applicant for licensure shall file with the Board evidence that the applicant has:

- (1) *Speech-language pathologists.*
  - (i) Met the educational requirements of § 45.17(a) (relating to education requirements).
  - (ii) Completed 9 months of supervised professional experience requirements of § 45.20 (relating to supervised professional experience required for licensure as a speech-language pathologist).
  - (iii) Passed an examination approved by the Board.
  - (iv) Demonstrated that the applicant is of good moral character.
- (2) *Audiologists.*
  - (i) Met the educational requirements of § 45.17(b).
  - (ii) Passed an examination approved by the Board.
  - (iii) Demonstrated that the applicant is of good moral character.

(c) An applicant who wishes to apply for more than one Board-issued license or provisional license specified in § 45.11 (relating to licenses and certifications) shall submit a separate application for each license or provisional license.

#### **§ 45.13. Renewal of license; inactive status of license; required continuing education.**

(a) Unless renewed for the upcoming biennium, licenses issued under this subchapter expire at the end of the current biennium.

(b) Licenses, provisional licenses, certifications and documentation from the Board will be sent to the address provided to the Board by the licensee. Whenever the licensee changes an address of record, the licensee shall notify the Board in writing within 10 days after making the address change.

(c) The licensee shall renew his license in the manner prescribed by the Board and pay the required fee, as provided by § 45.1 (relating to fees). Unless a licensee requests that a license be placed on inactive status, at the end of a biennial period it will be marked expired until it is renewed or reactivated.

(d) When a license is renewed after the expiration date, a late fee, as provided for by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), will be charged for each month or part of a month that the licensee has engaged in practice beyond the expiration date. A licensee who practices under an expired license may be subject to criminal prosecution under section 18 of the act (63 P.S. § 1718).

(e) A license that is not renewed at the end of a biennium will be marked expired unless a licensee who does not intend to practice in this Commonwealth requested that the license be placed on inactive status.

(f) A licensee who fails to renew a license or who requests to be placed on inactive status will not be sent Board notifications until the license is renewed or reactivated.

(g) An application for renewal of a license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required under § 45.504 (relating to reporting completion of continuing education).

(h) An application for reactivation of an inactive or lapsed license shall also include the documentation required under § 45.504 for the preceding biennial period.

#### **§ 45.14. Reactivation of licensure status.**

(a) A licensee who wishes to reactivate an expired or inactive license shall apply for reactivation, pay the current registration fee and verify that the licensee has not practiced in this Commonwealth while the license was expired or inactive.

(b) A licensee shall pay a late renewal fee for the preceding biennial registration periods in which the licensee engaged in practice in this Commonwealth while the license was expired or inactive.

(c) With the exception of individuals exempt from licensure under section 6(b)(2) of the act (63 P.S. § 1706(b)(2)), licensees who practice in this Commonwealth during a period in which the licensees' registration is not renewed shall pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing in this Commonwealth without a current license.

(d) A licensee whose license has lapsed, been suspended or placed on inactive status for more than 5 years shall demonstrate continued competency to reactivate the license by doing one of the following:

(1) Successfully complete the initial licensing examination approved by the Board.

(2) Successfully complete the required continuing education in § 45.501(a) (relating to credit hour requirements) for the biennial periods during which the license was lapsed, suspended or inactive.

(3) Provide evidence to the Board that the applicant has a license in good standing to practice speech-language pathology or audiology in another jurisdiction that has substantially similar requirements for licensure and has engaged in practice in the other jurisdiction at some period within the last 5 years.

**§ 45.15. Duplicate licenses.**

A duplicate license will be issued only upon payment of the fee as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501).

**§ 45.16. Display of license.**

The licensee shall post the license and, if applicable, certification in a conspicuous place in the office or place of business of the licensee.

**§ 45.17. Education requirements.**

(a) *Speech-language pathologist.* An applicant for licensure as a speech-language pathologist shall provide evidence of holding a master's degree in speech-language pathology from an academic program accredited by an accrediting agency approved by the Board. The Board will make available a list of approved accrediting agencies on its web site.

(b) *Audiologist.* An applicant for licensure as an audiologist shall provide evidence of holding a doctoral degree in audiology from an academic program approved by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. The Board will make available a list of approved accrediting agencies on its web site.

**§ 45.18. (Reserved).**

**§ 45.19. (Reserved).**

**§ 45.20. Supervised professional experience required for licensure as a speech-language pathologist.**

(a) The applicant shall begin the supervised professional experience within 4 years of conferral of the degree, and shall complete no less than 1,260 hours in no less than 9 months, but no more than 2 years.

(b) The Board may waive the requirements in subsection (a) in the case of demonstrated undue hardship, military service or other good cause shown by the applicant.

(c) The applicant shall complete the supervised professional experience under the supervision of a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained.

(1) The supervisor may not supervise more than three applicants completing their supervised professional experience at any one time.

(2) Applicants may not work under the direction of more than two supervisors at one time.

(d) The applicant shall inform individuals under his care that he is completing the supervised professional experience and is working under the supervision of a licensed speech-language pathologist.

(e) An applicant shall spend at least 80% of each week in direct client contact related to assessment, nonmedical diagnosis, evaluation, screening, habilitation, rehabilitation, consulting, recordkeeping or other duties appropriate to a bona fide program of clinical work. No more than 50% of the applicant's time may be spent conducting screenings. Clinical residents who teach, conduct research, perform administrative tasks or engage in other activities not related to direct client contact may not apply the time devoted to these activities toward meeting the supervised professional experience requirement.

(f) During the supervised professional experience, the applicant shall routinely consult with the supervisor for evaluation of the applicant's performance in professional employment. These consultations shall occur at least once a month and shall include review of the applicant's performance in regard to one or more of the following:

(1) Clinical treatment or evaluation.

(2) Changes in the communication behaviors of persons served by the applicant.

(3) Clinical records, diagnostic reports, treatment records, correspondence, plans of treatment and summaries of clinical conferences.

(4) Staff conferences and interaction with allied professionals, colleagues and clients and their representatives.

(5) Contributions to professional meetings and publications, and participation in other professional growth opportunities.

(6) Other matters related to the applicant's knowledge, skills and abilities to practice.

(g) During the supervised professional experience, the applicant shall complete at least 36 supervised activities as follows:

(1) A minimum of one supervised activity shall be completed per month.

(2) Each of a minimum of 18 activities shall meet the following criteria. The activities shall:

(i) Be directly supervised and involve the assessment, nonmedical diagnosis, evaluation, screening, habilitation and rehabilitation of clients.

(ii) Be at least 1 hour in duration.

(3) No more than 6 hours of direct supervision activities may be completed in 1 day.

(4) At least six direct supervision activities shall be completed during each third of the supervised professional experience.

(5) Applicants fulfilling the supervised professional experience at more than one site shall complete at least one direct supervision activity at each site during each of the three segments of the supervised professional experience.

(h) The supervisor shall attest that the applicant has fulfilled the criteria of the supervised professional experience.

(i) The final decision as to whether the applicant has satisfactorily met the conditions of the supervised professional experience is within the discretion of the Board.

**§ 45.21. Waivers.**

The Board will waive the education, experience and examination requirements of this subchapter for an applicant who:

(1) Holds a currently valid license to practice speech-language pathology or audiology in a state which has standards determined by the Board to be at least equal to those for licensure in this Commonwealth. The applicant shall file an application with the Board, and shall cause the appropriate agency in the state of licensure to submit to the Board a letter attesting to the applicant's good standing.

(2) Holds a current certificate of clinical competence from the Council for Clinical Certification of the ASHA. The applicant shall file an application with the Board, and shall cause the ASHA to submit to the Board certification of the applicant's status.

(3) Is a current practitioner who falls within the exemption in section 7(c) of the act (63 P.S. § 1707(c)), earned a bachelor's degree in speech-language pathology or a master's degree in audiology from an accredited college or university as of February 19, 1982, and was employed as a speech-language pathologist or audiologist for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file an application with the Board, and shall provide documentation evidencing completion of the degree and employment as a speech-language pathologist or audiologist.

**§ 45.22. Foreign-trained applicants.**

(a) To apply for licensure the foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board that the applicant meets the following requirements:

(1) *For speech-language pathologists:*

(i) Is of good moral character.

(ii) Has completed educational requirements substantially equivalent to § 45.17(a) (relating to education requirements). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

(iii) Has completed at least 9 months of supervised professional experience as provided by § 45.20 (relating to supervised professional experience required for licensure as a speech-language pathologist).

(2) *For audiologists:*

(i) Is of good moral character.

(ii) Has completed educational requirements substantially equivalent to § 45.17(b). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

(b) The foreign-trained applicant may be licensed by the Board, if the applicant has complied with subsection (a) and has passed the licensure examination.

**§ 45.23. Provisional licenses.**

(a) The following applicants may be issued a provisional license:

(1) *Speech-language pathologist.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(1) (relating to licensure application procedures). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Applicants who are completing the supervised professional experience necessary to receive an ASHA Certificate of Clinical Competence. A provisional license granted under this subparagraph will be valid for 18 months and may be renewed one time under section 7(d) of the act (63 P.S. § 1707(d)).

(2) *Audiologists.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(2). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Post-doctoral graduates completing additional post-graduate professional experience. A provisional license granted under this subparagraph will be valid for 18 months and may be renewed one time under section 7(d) of the act.

(3) *Licensees from other states.* Individuals who hold a valid license in another state to practice speech-language pathology or audiology who apply for licensure in this Commonwealth may also apply for a provisional license. A provisional license granted under this paragraph will be valid for 90 days.

(b) An applicant seeking a provisional license shall submit all of the following:

(1) An application for a provisional license and the fee in § 45.1(4) (relating to fees).

(2) In addition to meeting the requirements of subsection (b)(1), an applicant for a provisional license under subsection (a)(1)(ii) or (2)(ii) shall also submit:

(i) A letter describing the applicant's plans for completing the professional experience.

(ii) A transcript.

(A) Speech-language pathologist applicants' transcripts must evidence completion of the applicants' didactic education.

(B) Audiologist applicants' transcripts must evidence completion of didactic and clinical education.

(3) In addition to meeting the requirements of paragraph (1), an applicant for a provisional license under subsection (a)(1)(i), (2)(i) or (3) shall also submit an application for licensure and the accompanying fee in § 45.1(1).

(c) Except for provisional licenses granted under subsection (a)(1)(i) and (2)(i), provisional licensees shall practice only under supervision of a supervisor who holds the same type of license as the provisional licensee and, if the provisional licensee does not hold a graduate degree, who is physically present in the area or unit where the provisional licensee is practicing.

(d) An applicant who was issued a provisional license under subsection (a)(1)(ii) or (2)(ii) seeking an extension of the provisional license shall provide a detailed written explanation of the reason the extension is requested and the status of the applicant's supervised professional experience.



**§ 45.24. Certification to utilize neurophysiologic intraoperative monitoring.**

(a) Prior to utilizing neurophysiologic intraoperative monitoring, an audiologist shall obtain certification from the Board.

(b) Applicants shall be granted certification by the Board upon submission of documentation evidencing one of the following:

(1) Current certification from the American Board of Neurophysiologic Monitoring, the American Audiology Board of Intraoperative Monitoring or another National certifying organization approved by the Board.

(2) Completion of the doctoral level coursework, including neuroanatomy, neurophysiology and other neurophysiologic intraoperative monitoring, from an accredited doctoral audiology program and clinical instruction in neurophysiologic intraoperative monitoring that meets the requirements of section 8.1(2) of the act (63 P.S. § 1708.1(2)). The applicant has the affirmative burden of proving that these requirements are met.

(c) The Board will make available a list of approved certifying organizations on its web site.

**Subchapter C. STANDARDS OF PRACTICE AND CONDUCT**

**§ 45.102. Code of Ethics.**

(a) *General.* The Board is empowered by section 5(2) of the act (63 P.S. § 1705(2)) to promulgate a Code of Ethics for speech-language pathologists and audiologists, and the Board finds that the following rules are essential for establishing and maintaining stringent standards of professional conduct and for protecting the public interest, the Board has established the following Code of Ethics. A violation of this code constitutes unprofessional conduct under § 45.103 (relating to unprofessional conduct) or, as applicable, fraud or deceit under § 45.104 (relating to fraud or deceit), and subjects the violator to appropriate disciplinary action.

(b) *Preamble.*

(1) The preservation of the highest standards of integrity is vital to the successful discharge of the professional responsibilities of speech-language pathologists and audiologists. To this end, the Board has established this Code of Ethics to safeguard the public health, safety and welfare and to assure that speech-language and hearing services of the highest possible quality are available to the people of this Commonwealth. A violation of a provision of the Code of Ethics constitutes unprofessional conduct subject to disciplinary action. Accordingly, failure to specify a particular responsibility or practice in the code should not be construed as a deliberate omission.

(2) The fundamental rules of ethical conduct are described in the following categories:

(i) *Principles of Ethics.* Seven principles serve as the basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Speech-language pathologists and audiologists, as defined in the act, shall observe these principles as affirmative obligations under all conditions of professional activity.

(ii) *Ethical proscriptions.* Ethical proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.

(c) *Principle of Ethics I.*

(1) Because speech-language pathologists and audiologists provide nonmedical and nonsurgical services, medical diagnosis and medical treatment by these persons are specifically to be considered unethical and illegal.

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**§ 45.103. Unprofessional conduct.**

As used in section 10(5) of the act (63 P.S. § 1710(5)), the term "unprofessional conduct" includes all of the following types of conduct:

(1) Practicing as a speech-language pathologist or an audiologist with a license that has lapsed or that has been suspended or revoked.

(2) Knowingly aiding or abetting a person who is not licensed or exempted from licensure by the act to practice as a speech-language pathologist or an audiologist.

(3) Misrepresenting or concealing a material fact in seeking reinstatement of a license to practice as a speech-language pathologist or an audiologist.

(4) Delegating to a person duties that the speech-language pathologist or an audiologist knows, or has reason to know, the person is not competent or authorized to perform.

(5) Committing an act of gross negligence, gross malpractice or gross incompetence, or repeated acts of negligence, malpractice or incompetence.

(6) Practicing as a speech-language pathologist or an audiologist while unable to do so with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition.

(7) Withdrawing professional services after a professional relationship has been established without informing the person served of where to obtain necessary and equivalent professional services in a timely manner.

(8) Harassing, abusing or intimidating a person served. Sexual contact, or requests for sexual contact, with a person served is specifically prohibited by this subsection.

(9) Committing an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citizens of this Commonwealth. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action by the Board.

(10) Failing to provide necessary professional care or products to a person served in a timely manner or to inform the person served of the need for the care.

(11) Revealing personal or professional identifiable facts obtained as a result of a professional relationship without the prior consent of the person served, parent or guardian, except as authorized by a court or required by statute.

(12) Unconditionally guaranteeing the effectiveness of professional services and products rendered.

(13) Advertising professional services and products in a manner which is false, misleading or deceptive.

(14) Accepting compensation from a person being supervised or sponsored, beyond reasonable reimbursement for direct expenses.

(15) Being disciplined by a licensing or disciplinary authority of another state or country or convicted or disciplined by a court of a state or country for an act that would be grounds for disciplinary action under the act or this chapter.

(16) Being convicted of or pleading guilty or nolo contendere to a felony, whether or not an appeal or other proceeding is pending to have the conviction or plea set aside.

(17) Failing to comply with § 45.101 (relating to preparing, maintaining and retaining records).

(18) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from them.

(19) Failing to comply with the act.

(20) Failing to comply with an order, rule or regulation issued or adopted by the Board, including its Code of Ethics.

(21) Violating a State or Federal statute or a regulation promulgated thereunder in the *Pennsylvania Code* or the *Code of Federal Regulations* by a State or Federal agency that imposes a standard for practicing as a speech-language pathologist or an audiologist in this Commonwealth. The Board, in reaching a decision as to whether there has been a violation of a statute or regulation, will be guided by adjudications of the agency or court that administers or enforces the standard.

(22) Utilizing neurophysiologic intraoperative monitoring without possessing certification from the Board.

(23) Failing to refer patients who presented with suspected medical conditions beyond the licensee's scope of practice under the act for medical evaluation to an appropriate physician within 30 days.

(24) Failing to follow the Centers for Disease Control and Prevention's 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings.

### Subchapter E. ASSISTANTS

#### § 45.301. Definitions.

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

*Assistant*—An individual who works under the direction and supervision of a licensed audiologist or speech-language pathologist and who meets the requirements in this subchapter.

*Direct onsite supervision*—The physical presence of a licensed audiologist or speech-language pathologist in the facility or location where the assistant is working who is immediately available to exercise supervision, direction and control.

*Interpreter*—An individual whose sole function is to translate or to facilitate communication between persons via oral, cued speech, manual, total communication or written modes. For purposes of this subchapter, an interpreter is not considered an assistant.

*Task*—Work assigned or carried out as a part or subcomponent of the assistant's duties.

#### § 45.304. Minimum education, experience and training requirements.

(a) Prior to the use of an assistant, the licensee shall obtain from the assistant evidence of one of the following:

(1) The assistant has completed 30 semester hours or the equivalent from an accredited institution of higher education in the area of speech-language pathology and audiology as outlined in the requirements as specified (nonaudited) for a certificate of clinical competence from the Council for Clinical Certification of the ASHA.

(2) The assistant has practiced as an assistant in the area of speech-language pathology and audiology since at least June 8, 1989, under the supervision of an audiologist or speech-language pathologist licensed in this Commonwealth.

(3) The assistant has practiced as an assistant in the area of speech-language pathology and audiology since at least June 8, 1989, under the supervision of an audiologist or speech-language pathologist licensed in another state or the District of Columbia which has requirements for assistants substantially equivalent to the provisions of this subchapter.

(b) Prior to assigning a duty to an assistant, a licensee shall perform a task analysis of the expected duties of each assistant the licensee supervises, and shall then train the assistant, with an emphasis on competency-based skill acquisition, in accordance with this analysis. Training may be provided through formal coursework, workshops or directly supervised observation or practicum; training shall encompass all areas of activities which the assistant will perform. An assistant trained in one area (audiology or speech-language pathology) may not perform duties in another area unless training in that area has been given. An assistant is not permitted to perform a duty for which, in the opinion of the licensed supervisor, the assistant is neither trained nor qualified. A minimum of 20 hours of practical training for each duty is required.

(c) A licensee shall familiarize an assistant with the standards of practice and conduct and the application of these ethics to each assistant's activities, codified in Subchapter C (relating to standards of practice and conduct).

#### § 45.305. Functions and duties of assistants.

(a) An assistant may engage in only duties that are planned, designed and supervised by a licensee. Examples of appropriate duties include the following:

(1) The screening of speech, language or hearing.

(2) The recording, charting, graphing or otherwise displaying of data which reflects the performance of a person served.

(3) The maintaining of clinical records.

(4) The reporting of changes in the performance of a person served to the licensee who is responsible for that person.

(5) The preparing of clinical materials, including ear molds.

(6) The testing of hearing aids to determine whether they meet published specifications.

(7) The participating with the licensee in research projects, in-service training, public relations programs and similar activities.

(b) The assistant may not engage in one or more of the following activities:

(1) The formulating of diagnostic statements or clinical management strategies or procedures.

(2) The determining of who will be served.

(3) The transmitting of clinical information, including data or impressions bearing on the performance, behavior or progress of a person served, either verbally or in writing, to anyone other than the licensee.

(4) The independent composing of clinical reports, except for progress notes to be held in the file of a person served.

(5) The referring of a person served to other professionals or other agencies.

(6) The using of a title, either verbally or in writing, other than one which complies with § 45.301 (relating to definitions).

(7) Activities which require the formal education or training, and the skill and knowledge of a licensed audiologist or speech-language pathologist.

**§ 45.307. Limitations.**

(a) An assistant may not engage in activities reserved by the act to licensees of the Board, nor may the assistant hold himself out to the public, either by title or by description of services, as an audiologist or speech-language pathologist. Titles may be used only in conjunction with the appendage "assistant," for example, "audiology assistant."

(b) A licensee may not assign, delegate or permit assistants to perform activities which require the formal education or training, and the skill and knowledge of a licensed audiologist or speech-language pathologist, including activities enumerated under § 45.305 (relating to functions and duties of assistants).

**§ 45.308. Exceptions.**

(a) A licensee is not required to file with the Board a list of support personnel who do not engage in activities requiring formal education or training in the field of speech-language and hearing, the skill and knowledge of a licensed audiologist or speech-language pathologist, or the skill and knowledge of an assistant, as required under this subchapter.

(b) This subchapter does not limit the activities of a student who is pursuing a program of study supervised by a person licensed under the act which leads to a degree in audiology or speech-language pathology in this Commonwealth.

**Subchapter F. CHILD ABUSE REPORTING REQUIREMENTS**

**§ 45.401. Definitions.**

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

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the

failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Human Services which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Licensee*—An audiologist or speech-language pathologist licensed by the Board.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Human Services or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

**Subchapter G. CONTINUING EDUCATION**

**§ 45.501. Credit hour requirements.**

(a) Each speech-language pathologist or audiologist shall have completed 20 clock hours of continuing education per license during each preceding biennial renewal period. Excess clock hours may not be carried over to the next biennium.

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology or audiol-



ogy. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research and a fee for continuing education approval as required under § 45.1 (relating to fees). The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit. An instructor of a program approved under § 45.505 (relating to approval of continuing education programs) will receive credit to the same extent that an attendee will receive credit and is not required to apply for approval under this subsection.

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist or audiologist license until the continuing education requirement for the current biennial renewal period has been completed.

(d) A licensee may not receive credit for participation in substantially the same program more than once during a single renewal cycle.

**§ 45.505. Approval of continuing education programs.**

\* \* \* \* \*

(d) The following programs are deemed approved for continuing education credit:

(1) Continuing education programs approved or sponsored by the ASHA.

(2) Continuing education programs approved or sponsored by the American Academy of Audiology.

(3) Courses and programs offered for credit by academic programs in speech-language pathology or audiol-

ogy associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.

\* \* \* \* \*

**§ 45.507. Disciplinary action authorized.**

(a) A licensed speech-language pathologist or audiologist who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P.S. § 1710).

(b) A licensed speech-language pathologist or audiologist who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline unless the licensee is exempt or has been granted a waiver under § 45.502 (relating to exemption and waiver).

(c) Notwithstanding discipline imposed by the Board under subsection (b), whether by formal disciplinary proceedings or by issuance of a citation as set forth in § 43b.16a (relating to schedule of civil penalties—audiologists and speech-language pathologists), a licensed speech-language pathologist or audiologist who has been found to be deficient in continuing education hours shall make up deficiencies within 6 months of receiving notice of the deficiency.

(d) Failure to make up deficient continuing education hours as required under subsection (c) may subject the licensed speech-language pathologist or audiologist to further discipline under section 10 of the act.

[Pa.B. Doc. No. 17-1160. Filed for public inspection July 14, 2017, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a AND 680a ]

### Junkets, Electronic Credit Systems and Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1322, 13A02(1) and (2), 13A27, 1602, 1604 and 1608, proposes to amend Chapters 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a and 680a to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

This proposed rulemaking will make amendments to the regulations for clarity, to reduce the number of junket reports required and to incorporate new side wagers into the existing table games regulations.

#### *Explanation*

*Chapter 423a. Applications; statement of conditions; wagering restrictions*

*Chapter 437a. Gaming service provider certification and registration*

Proposed amendments to Chapters 423a and 437a (relating to applications; statement of conditions; wagering restrictions; and gaming service provider certification and registration) provide for the surrender of a person's license with prejudice. Currently persons who are licensed who may otherwise be subject to an upcoming revocation could technically surrender their licenses prior to the Office of Enforcement Counsel filing for revocation of that license thus avoiding the prohibition on reapplying for 5 years, which is currently applicable when a license or application is withdrawn with prejudice, denied or revoked. The proposed amendments will close that loop-hole.

*Chapter 429a. Manufacturer designees*

A technical amendment is proposed in § 429a.2(a)(5) (relating to manufacturer designee license applications and standards) for consistency with the prohibition on manufacturers holding a supplier license in 4 Pa.C.S. § 1317.1(e)(3) (relating to manufacturer licenses).

*Chapter 439a. Junket enterprises*

Proposed amendments to § 439a.5 (relating to gaming junket representative general requirements) codify a Board policy on the criteria it utilizes to determine whether an individual is a junket representative or if the individual is simply an employee of a slot machine licensee performing the job duties of a junket representative. This section is consistent with several criteria the Internal Revenue Service utilizes to determine if an individual is an employer's employee or an independent contractor.

Sections 439a.7—439a.9 (relating to gaming junket schedules; gaming junket arrival reports; and gaming junket final reports) are proposed to be rescinded. Some

of the relevant requirements in these sections are proposed to be added to § 439a.10 (relating to monthly gaming junket reports). Currently operators are required to provide four reports on junkets: a proposed schedule (§ 439a.7); an arrival report (§ 439a.8); a final report once the junket is concluded (§ 439a.9); and monthly report (§ 439a.10). The proposed amendments will reduce the number of reports submitted to Board staff from four to one by combining the relevant information into one report showing all junket information from the previous month.

*Chapter 440a. Management companies*

The criteria used to evaluate management agreements made between a licensee and proposed management company are proposed to be amended in § 440a.5 (relating to management contracts). The regulations contemplate that the Board will evaluate whether awarding a casino license will create an undue concentration of economic opportunities. See § 421a.5 (relating to undue concentration of economic opportunities and control). However, when the provision was applied to management companies, the regulation was not consistent and contemplates that the Board would evaluate whether the management contract created a monopoly. The proposed amendment will use the same standard between operators and their management companies.

*Chapter 461a. Slot machine and table game device testing and control*

Proposed amendments to § 461a.13 (relating to wide area progressive systems) codify a policy statement in Chapter 461b (relating to technical standards—statement of policy). Many of the requirements in § 461b.4 (relating to wide area progressive systems) are already in § 461a.13, making the policy provisions redundant. The provisions that were not already codified in § 461a.13 are proposed to be added in subsections (h)—(m) and address the submission and approval requirements for wide area progressive systems.

Proposed amendments to § 461a.19 (relating to remote system access) codifying a policy statement in § 461b.5 (relating to remote computer access). Remote access allows a user to electronically access a facility's systems, which may include an operator's back-of-house systems. Controls over who has access and the duration of that remote access are therefore necessary.

When this proposed rulemaking is published as a final-form rulemaking, the Board will rescind §§ 461b.4 and 461b.5.

*Chapter 465a. Accounting and internal controls*

Proposed amendments to § 465a.11 (relating to slot machine licensee's organization; jobs compendium) delete a provision in subsection (i). If a licensee is making changes to required departments, those changes must be approved prior to implementation. A requirement in subsection (k) that an up-to-date jobs compendium be submitted yearly is proposed to be deleted. Based on the Board's experience, this annual submission is not necessary.

Section 465a.23(d) (relating to customer deposits) is proposed to be added to recognize that a licensee may use an electronic crediting system for the processing of customer deposits.

*Chapter 609a. Credit*

Section 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits) is proposed to be added. Currently, the processing of credit transactions and customer deposits is a paper-based system. This section addresses the requirements for the use of an electronic system to process those transactions. As the acceptance of credit does impact the calculation of table game revenue, operators electing to use the electronic system are required to update internal controls ensuring the proper counting and recording of those credit transactions.

*Chapter 621a. Pai Gow*

Several new side wagers are proposed to be added to Pai Gow. Definitions associated with those wagers are proposed to be added in § 621a.1 (relating to definitions). Table layout requirements for the new wagers and an amendment to the shaker requirements are proposed to be added in § 621a.2 (relating to Pai Gow table; Pai Gow shaker; physical characteristics). A description of the wagers is proposed to be added in § 621a.5 (relating to wagers). The procedure for dealing the tiles and the settling of wagers based on the value of the shake of the dice is proposed to be added in § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice). How the dealer is to complete the round of play when a player has placed an optional wager is proposed to be added in § 621a.8 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Sections 621a.9 and 621a.10 (relating to player bank; co-banking; selection of bank; procedures for dealing; and irregularities; invalid roll of the dice) are proposed to be amended for clarity. For consistency among table game regulations, payout odds for all wagers are in proposed § 621a.11 (relating to payout odds; vigorish).

*Chapter 635a. Spanish 21*

Amendments are proposed to §§ 635a.3 and 635a.4 (relating to cards; number of decks; value of cards; and opening of the table for gaming) for consistency with other card-style table games.

*Chapter 649a. Three Card Poker*

A new side wager, the 5 of 6 Progressive Payout Wager, is proposed to be added to Three Card Poker. Definitions associated with the wager are proposed to be added in § 649a.1 (relating to definitions). Table layout requirements for the new wager are proposed to be added in § 649a.2 (relating to Three Card Poker table physical characteristics). A description of the wager is proposed to be added in § 649a.7 (relating to wagers). How the dealer is to complete the round of play when a player has placed the wager is proposed to be added in § 649a.11 (relating to procedures for completion of each round of play). The payout odds are proposed to be added in § 649a.12 (relating to payout odds; Envy Bonus; rate of progression). Additionally, in § 649a.12, the seed/reseed and incrementation rates are proposed for all progressives as these rates correspond with the rates submitted by the manufacturer that were tested/approved by the Board's Gaming Laboratory. The same amendments are proposed to be made in Chapters 659a, 669a, 670a and 678a.

*Chapter 674a. Criss-Cross Poker*

The payout limitation in § 674a.12(d) (relating to payout odds) is proposed to be amended to reflect that only required wagers should be subject to a payout limitation established by the certificate holder. Wagers that are

optional for players should not be included, as a cap on payouts alters the approved hold percentages. Proposed amendments to payout limitations to reflect that only required wagers may be subject to a cap are proposed to be made in Chapters 678a and 680a (relating to High Card Flush; and Saigon 5 Card). Payout limitations are proposed to be deleted from Chapter 675a (relating to High Roll Dice) as dice games should not be subject to a payout limitation. The same amendments were proposed to be made in the proposed rulemaking published at 47 Pa.B. 3182 (June 10, 2017).

*Chapter 680a. Saigon 5 Card*

The Pot Wager is proposed to be added to Saigon 5 Card. Definitions associated with the wager are proposed to be added in § 680a.1 (relating to definitions). Table layout requirements for the new wager are proposed to be added in § 680a.2 (relating to Saigon 5 Card table physical characteristics). A description of the wager is proposed to be added in § 680a.7 (relating to wagers). How the dealer is to complete the round of play when the Pot Wager is offered is proposed to be added in § 680a.11 (relating to procedures for completion of each round of play).

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this proposed rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This proposed rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer the side wagers within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment, specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

Additionally, this proposed rulemaking will reduce the number of reports from four to one that operators are required to submit when they offer a junket at their licensed facilities.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically. Table game Rules Submission forms are available at <http://gamingcontrolboard.pa.gov/?p=187>.

Operators that offer electronic credit systems to process credit and customer deposit transactions will be required to submit updated internal controls. Additionally, operators that offer junkets will be required to submit a single report regarding the junkets that occurred at their licensed facilities. Reports and internal control updates are submitted to the agency electronically.

*Effective Date*

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



*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to R. Douglas Sherman, Chief Counsel, Attention: Regulation # 125-206 Public Comment, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060.

*Contact Person*

The contact person for questions about this proposed rulemaking is R. Douglas Sherman, Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 13, 2017, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

DAVID M. BARASCH,  
*Chairperson*

**Fiscal Note:** 125-206. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart B. LICENSING, PERMITTING,  
CERTIFICATION AND REGISTRATION**

**CHAPTER 423a. APPLICATIONS; STATEMENT OF  
CONDITIONS; WAGERING RESTRICTIONS**

**§ 423a.5. Application withdrawal and surrender.**

\* \* \* \* \*

(d) A request to surrender a license, permit, certification or registration may be made in accordance with the following requirements:

(1) An entity holding a license, certification or registration, an individual holding a principal license or a qualifier of an entity holding a license or certification that is requesting to surrender shall file a petition with the Board in accordance with § 493a.4.

(2) An individual holding a key employee license, permit or registration who is requesting to surrender the license, permit or registration shall file the request on a form supplied by the Bureau of Licensing. **If Board staff objects to the request to surrender, the person filing the form will be notified and may be required to file a petition to surrender with the Board in accordance with § 493a.4.**

(e) The petition or form must set forth the reasons for the surrender.

**(f) When rendering a decision on a petition to surrender, the Board may grant the request with or without prejudice.**

**[(f)] (g)** Unless the Board otherwise directs, fees or other payments relating to the application, license, permit, registration or certification will not be refundable by reason of the withdrawal or surrender. Additionally, fees and costs owed to the Board shall be paid prior to granting a withdrawal or surrender.

§ 423a.7. Restriction on application after **denial**, withdrawal **or surrender** with prejudice, **[ denial ]** or revocation.

(a) A person whose application has been **denied**, withdrawn **or surrendered** with prejudice, **[ denied ]** or whose license, permit, registration or certification has been revoked may not apply for a license, permit, certification or registration for 5 years from the date that the application was **denied**, withdrawn **or surrendered** with prejudice, **[ denied ]** or the license, permit, certification or registration was revoked.

(b) The 5-year restriction in subsection (a) will not apply:

(1) To applicants for a slot machine license if the denial was for reasons other than unsuitability.

(2) If the denial or revocation was based on pending charges for a disqualifying offense under section 1213 or 1518 of the act (relating to license or permit prohibition; and prohibited acts; penalties), 18 Pa.C.S. (relating to Crimes Code) or the criminal laws of any other jurisdiction and the pending charges did not result in conviction of the disqualifying offense.

(c) Two years from the date that the application was **denied**, withdrawn **or surrendered** with prejudice, **[ denied ]** or the license, permit, certification or registration was revoked, a person may file a petition for permission to apply for a license, permit, certification or registration before the expiration of the 5-year period.

(d) A petition filed under subsection (c) shall be filed in accordance with § 493a.4 (relating to petitions generally).

(e) Petitions filed under subsection (c) must contain:

(1) An explanation of how the conditions that were the basis for **denial**, withdrawal **or surrender** with prejudice, **[ denial ]** or revocation have been corrected or no longer exist.

(2) Supporting materials that demonstrate that the person meets the requirements for a license, permit, certification or registration.

(3) If the **denial**, withdrawal **or surrender** with prejudice, **[ denial ]** or revocation was the result of a conviction, the petition must include evidence of rehabilitation, such as:

\* \* \* \* \*

**CHAPTER 429a. MANUFACTURER DESIGNEES**

**§ 429a.2. Manufacturer designee license applications and standards.**

(a) An applicant for a manufacturer designee license shall submit:

\* \* \* \* \*



(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or a holder of a slot machine or **supplier** license.

\* \* \* \* \*

#### CHAPTER 437a. GAMING SERVICE PROVIDER CERTIFICATION AND REGISTRATION

##### § 437a.8. Authorized gaming service providers list; prohibited gaming service providers.

\* \* \* \* \*

(c) The Board may place a person on the prohibited gaming service providers list if:

(1) The gaming service provider has failed to comply with this chapter.

(2) The gaming service provider has failed to cooperate with Board staff in its review and investigation of the gaming service provider's application.

(3) The gaming service provider's application for certification or registration has been denied [ or ], withdrawn or **surrendered** with prejudice, or the gaming service provider has had its gaming service provider certification or registration suspended or revoked.

\* \* \* \* \*

#### CHAPTER 439a. JUNKET ENTERPRISES

##### § 439a.5. Gaming junket representative general requirements.

(a) An individual may not act as a gaming junket representative in connection with a gaming junket to a licensed facility unless the individual has obtained an occupation permit under § 435a.3 (relating to occupation permit) and is employed by a gaming junket enterprise that is licensed by the Board.

(b) A gaming junket representative may be employed by only one gaming junket enterprise at a time. [ For the purposes of this section, to qualify as an employee of a gaming junket enterprise, a gaming junket representative shall:

(1) Receive all compensation for services as a gaming junket representative within this Commonwealth through the payroll account of the junket enterprise.

(2) Exhibit other appropriate indicia of genuine employment, including Federal and State taxation withholdings. ]

(c) An individual who is employed by a slot machine licensee and holds a valid occupation permit may act as a gaming junket representative. Board staff will evaluate all of the following indicia of employment to determine if an individual is a bona fide employee of a slot machine licensee versus an employee of a gaming junket enterprise:

(1) The individual receives a W-2 Form, wage and tax statement, from the slot machine licensee.

(2) The slot machine licensee has the right to control or direct what work shall be done and how it shall be performed.

(3) The individual is reimbursed by the slot machine licensee for business expenses incurred on behalf of the licensee.

(4) The individual participates in or receives benefits from the slot machine licensee such as insurance, pension plan, vacation pay or sick pay.

(d) An individual may not be considered an employee of a slot machine licensee but shall be considered an employee of a gaming junket enterprise if one of the following conditions is met:

(1) The individual receives an IRS Form 1099, miscellaneous income form, from the slot machine licensee.

(2) The individual is licensed or otherwise credentialed in another gaming jurisdiction as a junket enterprise/organizer or provides the same or similar services to gaming facilities in other markets.

(3) The individual receive compensation for services through the junket enterprise.

(4) The individual exhibits other indicia of genuine employment with a gaming junket enterprise, including Federal and State taxation withholdings.

§ 439a.7. [ Gaming junket schedules ] (Reserved).

[ (a) A slot machine licensee shall prepare a gaming junket schedule for each gaming junket that is arranged through a gaming junket enterprise or its gaming junket representative.

(b) A slot machine licensee shall file a gaming junket schedule with the Bureau of Gaming Operations by the 15th day of the month preceding the month in which the gaming junket is scheduled. If a gaming junket is arranged after the 15th day of the month preceding the arrival of the gaming junket, the slot machine licensee shall file an amended gaming junket schedule with the Bureau of Gaming Operations by the close of the next business day.

(c) An employee of the slot machine licensee shall certify the gaming junket schedules which includes the following:

(1) The origin of the gaming junket.

(2) The number of participants in the gaming junket.

(3) The arrival time and date of the gaming junket.

(4) The departure time and date of the gaming junket.

(5) The name and registration number of all gaming junket representatives and the name and license number of all gaming junket enterprises involved in the gaming junket.

(d) Changes in the information which occur after the filing of a gaming junket schedule or amended gaming junket schedule shall be reported in writing to the Bureau of Gaming Operations by the slot machine licensee by the close of the next business day. These changes, plus any other material change in the information provided in a gaming junket schedule, shall also be noted on the arrival report. ]

§ 439a.8. [ Gaming junket arrival reports ] (Reserved).

[ (a) A slot machine licensee shall prepare a gaming junket arrival report for each gaming junket arranged through a gaming junket enterprise or its

gaming junket representative with whom the slot machine licensee does business.

(b) Gaming junket arrival reports must:

(1) Include a gaming junket guest manifest listing the names and addresses of the gaming junket participants.

(2) Include information required under § 439a.7 (relating to gaming junket schedules) that has not been previously provided to the Bureau of Gaming Operations in a gaming junket schedule pertaining to the particular gaming junket, or an amendment thereto.

(3) Be certified by an employee of the slot machine licensee.

(c) A slot machine licensee shall prepare gaming junket arrival reports in compliance with the following:

(1) A gaming junket arrival report involving complimentary accommodations shall be prepared within 12 hours of the arrival of the gaming junket participant.

(2) A gaming junket arrival report involving complimentary services that does not involve complimentary accommodations shall be prepared by 5 p.m. of the next business day following arrival. A gaming junket arrival which occurs after 12 a.m. but before the end of the gaming day shall be deemed to have occurred on the preceding calendar day.

(3) Gaming junket arrival reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request. ]

§ 439a.9. [ Gaming junket final reports ] (Reserved).

[ (a) A slot machine licensee shall prepare a gaming junket final report for each gaming junket for which the slot machine licensee was required to prepare either a gaming junket schedule or a gaming junket arrival report.

(b) A gaming junket final report must include the actual amount of complimentary services provided to each gaming junket participant.

(c) A gaming junket final report shall be:

(1) Prepared within 7 days of the completion of the gaming junket.

(2) Maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request. ]

§ 439a.10. Monthly gaming junket reports.

(a) [ Each slot machine licensee shall, on or before the 15th day of the month, prepare and file with the Bureau of Gaming Operations a monthly gaming junket report listing the name and gaming identification number of each individual who performed the services of a gaming junket representative during the preceding month. ] Each slot machine licensee shall, on or before the last day of the month, file with the Bureau of Casino Compliance and the Bureau of Investigations and Enforcement a monthly gaming junket report for the preceding

month. The monthly gaming junket report must contain all of the following:

(1) The name of the gaming junket enterprise.

(2) The name and gaming identification number of each individual who performed the services of a gaming junket representative.

(3) Customer name.

(4) Customer address.

(5) Customer account number.

(6) Date of association with the gaming junket enterprise or gaming junket representative.

(7) Date of the trip.

(8) Table games theoretical win.

(9) Table games actual win.

(10) Slot machine theoretical win.

(11) Slot machine actual win.

(12) The actual amount of complimentary goods or services provided to each junket participant.

(13) Patron's outstanding markers.

(14) Table game percentage rate paid.

(15) Slot machine percentage rate paid.

(16) Commission accrued per patron.

(17) Commission paid per patron.

(18) Total amount of commission paid to each gaming junket enterprise or representative.

(19) Other information as requested by Board staff.

(b) Copies of the monthly gaming junket reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to [ the ] Board staff upon request.

(c) If there is no junket activity in the preceding month, the slot machine licensee shall notify the Bureau of Investigations and Enforcement and the Bureau of Casino Compliance, in accordance with subsection (a), that junket activity has not occurred during the previous month.

(d) In addition to the monthly gaming junket report, the licensee shall submit a list of all employees who conduct business on behalf of the slot machine licensee with a gaming junket representative or gaming junket enterprise on a full-time, part-time or temporary basis.

(e) An employee of the slot machine licensee shall certify the list of employees and the monthly gaming junket report submitted in accordance with subsections (a) and (d).

#### CHAPTER 440a. MANAGEMENT COMPANIES

##### § 440a.5. Management contracts.

\* \* \* \* \*

(c) A management contract or amendment will not be approved by the Board unless the management company proves by clear and convincing evidence that the approval of the contract would not create [ a monopoly on the ] an undue concentration of economic opportunities and control of licensed gaming facilities in this Commonwealth.

\* \* \* \* \*

**Subpart E. SLOT MACHINE, TABLE GAME AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS**

**CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL**

**§ 461a.13. Wide area progressive systems.**

(a) Two or more slot machine licensees may, with the prior written approval of the Board as required under subsection (c), operate a wide area progressive system.

(b) A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act [ , ] **and this subpart [ and technical standards on wide area progressive systems under § 461b.4 (relating to wide area progressive systems) ]**.

(c) A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements must be submitted in writing and approved by the Board prior to implementation **[ and comply with the act, this subpart and technical standards on wide area progressive systems under § 461b.4 ]**.

(d) Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms are approved by the Board. The persons designated in a slot system agreement as being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.

(e) An agreement between a licensed manufacturer and a slot machine licensee under which a licensed manufacturer sells, leases or services a wide area progressive system will not constitute a slot service agreement unless the agreement also covers operation and administration of the wide area progressive system.

(f) Slot system agreements **[ must address ] providing for the operation and administration of a wide area progressive system must identify and describe with specificity the duties, responsibilities and authority of each participating slot machine licensee and each slot system operator including all of the following:**

(1) Details with regard to the terms of compensation for the slot system operator. **[ In specific, the ]** The agreement must address to what extent, if any, the slot system operator is receiving compensation based [ , ] directly or indirectly [ , ] on an interest, percentage or share of a slot machine licensee's revenue, profits or earnings from the operation of the wide area progressive system.

(2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.

(3) Control and operation of the computer monitoring room required under subsection (g).

(4) **[ Other requirements in the technical standards on wide area progressive systems under § 461b.4. ]** A description of the process by which significant decisions with regard to the operation of the wide area progressive system are approved and implemented by the participating slot machine licensees and slot system operator.

(5) When applicable, the terms of apportionment of responsibility for establishing and servicing any trust agreement associated with any annuity jackpot offered by the wide area progressive system.

(6) **Responsibility for generating, filing and maintaining the records and reports required under the act and this part.**

(g) A wide area progressive system shall be controlled and operated from a computer monitoring room. The computer monitoring room must:

(1) Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that system. The employees of the slot system operator may be required to obtain a license or permit if the Board determines, after a review of the work being performed, the employees require a license or permit for the protection of the integrity of gaming.

(2) Have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a slot machine licensee participating in the slot system agreement or by a dedicated surveillance system maintained by the slot system operator. **[ Surveillance coverage must be in accordance with technical standards under § 461b.4 ]**.

(3) Be accessible through a locked door. The door must be alarmed in a manner that audibly signals the surveillance monitoring room for the surveillance system elected under paragraph (2).

(4) Have a computer monitoring room entry log. The log must be:

(i) Kept in the computer monitoring room.

(ii) Maintained in a book with bound numbered pages that cannot be readily removed.

(iii) Signed by each person entering the computer monitoring room who is not an employee of the slot system operator expressly employed in the computer monitoring room on his assigned shift. Entries must contain **all of the following:**

(A) The date and time of entering and exiting the room.

(B) The name, department or employer, when applicable, **gaming license or permit** number of the person entering and exiting the room and of the person authorizing the entry.

(C) The reason for entering the computer monitoring room.

(5) Reside within a participating licensed facility or other **approved** location.

**(h) A slot system agreement submitted to the Board for approval must be accompanied by a proposed system of internal controls addressing all of the following:**



(1) Transactions directly or indirectly relating to the payment of progressive jackpots including the establishment, adjustment, transfer or removal of a progressive jackpot amount and the payment of any fees or taxes associated therewith.

(2) The name, employer, position and gaming license status of any person involved in the operation and control of the wide area progressive system.

(i) The Bureau of Licensing will review the persons identified in subsection (h)(2) and determine, based on an analysis of specific duties and responsibilities, which persons will be licensed to what level in this Commonwealth.

(j) A slot system operator may not commence operation and administration of a wide area progressive system under the terms of a slot system agreement until the agreement itself and the internal controls required under subsection (h) have been approved and the slot system operator has complied with any licensing requirements under subsection (i).

(k) When a slot system agreement involves payment to a licensed manufacturer, functioning as a slot system operator, of an interest, percentage or share of a slot machine's licensee's revenue, profits or earnings from the operation of a wide area progressive system, the Board will evaluate the slot system agreement to determine if the total amounts paid to the licensed manufacturer under the terms of the agreement are commercially reasonable for the operational and administrative services provided.

(l) Each party to a slot system agreement shall be liable for acts, omissions and violations of the act and this part related to its own individual duties and responsibilities under the slot system agreement, unless the slot system agreement specifically provides that the parties will be jointly and several liable.

(m) The Executive Director may waive one or more of the technical requirements applicable to wide area progressive systems adopted by the Board upon a determination that the wide area progressive system as configured nonetheless meets the operational integrity requirements of the act and this part.

#### **§ 461a.19. Remote system access.**

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a slot machine licensee's slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system, wide area progressive system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with [ **technical standards on remote system access under § 461b.5 (relating to remote computer access).** ] all of the following procedures:

(1) Only an employee of a licensed manufacturer who is licensed as a gaming employee or key employee in this Commonwealth may remotely access a system sold, leased or otherwise distributed by that licensed manufacturer for use at a licensed facility.

(2) The slot machine licensee shall establish a unique system account for each employee of a licensed manufacturer identified by his employer as potentially required to perform technical support from a remote location. System access afforded under this section shall:

(i) Be restricted in a manner that requires the slot machine licensee's information technology department to receive prior notice from the licensed manufacturer of its intent to remotely access a designated system.

(ii) Require the slot machine licensee to take affirmative steps, on a per access basis, to activate the licensed manufacturer's access privileges.

(iii) Be designed to appropriately limit the ability of a person authorized under this section to deliberately or inadvertently interfere with the normal operation of the system or its data.

(3) A log shall be maintained by both the licensed manufacturer and the slot machine licensee's information technology department. Each of the two logs must contain, at a minimum, all of the following information:

(i) The system accessed, including manufacturer and version number.

(ii) The type of connection (that is, leased line, dial in modem or private WAN).

(iii) The name and license number of the employee remotely accessing the system.

(iv) The name and license number of the information technology department employee activating the licensed manufacturer's access to the system.

(v) The date, time and duration of the connection.

(vi) The reason for the remote access including a description of the symptoms or malfunction prompting the need for remote access to the system.

(vii) Action taken or further action required.

(4) Communications between the licensed manufacturer and any of the systems identified in subsection (a) shall occur using a dedicated and secure communication facility such as a leased line approved in writing by the Board.

(c) Prior to granting remote system access, a slot machine licensee shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee shall be designed to protect the physical integrity of the systems listed in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.

(d) Any modification of, or remedial action taken with respect to, an approved system shall be processed and approved by the Board in accordance with the standard modification provisions submitted under § 461a.4(h) (relating to submission for testing and approval) or the emergency modification provisions of § 461a.4(l).



(e) If an employee of a licensed manufacturer is no longer employed by, or authorized by, that manufacturer to remotely access a system under this section, the licensed manufacturer shall immediately notify the Bureau of Gaming Laboratory Operations and each slot machine licensee that has established a unique system account for that employee of the change in authorization and shall timely verify with each slot machine licensee that any access privileges previously granted have been revoked.

(f) The Executive Director may waive one or more of the technical requirements applicable to remote computer access adopted by the Board upon a determination that the nonconforming remote access procedures nonetheless meet the integrity requirements of the act and this part.

#### CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

##### § 465a.11. Slot machine licensee's organization; jobs compendium.

\* \* \* \* \*

(i) Any proposed amendment to a previously approved jobs compendium, including any amendment to an organizational chart, which involves the departments listed in subsection (b) shall be submitted as an amendment to the slot machine licensee's internal controls in accordance with § 465a.2. **[ Amendments that are required to be submitted under this subsection may be implemented by the slot machine licensee prior to approval of the amendment, if:**

(1) The amendment is immediately recorded in the copy of the jobs compendium maintained by the slot machine licensee on its premises.

(2) The amendment is submitted to the Bureau of Gaming Operations by the end of the business day on the date of implementation, including at a minimum, the proposed changes to the information required under subsection (h), including the corresponding revised job descriptions and organizational charts, contained on pages which may be used to substitute for those sections of the jobs compendium previously approved by the Board.]

(j) For departments that are not listed in subsection (b), unless otherwise directed by the Board, a slot machine licensee will not be required to submit amendments to its jobs compendium for approval. Instead, the certificate holder will be required to notify the Bureau of Licensing by the end of the business day on the date of implementation for newly created positions or changes to job descriptions and tables of organizations. The notification must include properly formatted job descriptions and organization charts for the affected departments. After the notification has been submitted, the Bureau of Licensing may require changes to the job descriptions and organizational charts to ensure compliance with licensing, permitting or registration requirements.

**[ (k) Notwithstanding other requirements of this section, each certificate holder shall submit a complete and up-to-date jobs compendium to the Bureau of Gaming Operations and the Bureau of Licensing 12 months after its receipt of authorization to commence slot operations and every 12 months thereafter.**

**(l) ] (k)** Each slot machine licensee shall maintain on its premises a complete, updated copy of its jobs compen-

dium, in a written or electronic form, which shall be made available for review upon request of the Board, the Department or the Pennsylvania State Police.

**[ (m) ] (l)** This section may not be construed so as to limit a slot machine licensee's discretion in utilizing a particular job title for any position in its jobs compendium.

##### § 465a.23. Customer deposits.

\* \* \* \* \*

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include **all of the following:**

(1) A requirement that customer deposits be accepted at the cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cage, gaming table or upon receipt of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification shall be accomplished in accordance with the signature verification procedures under § 465a.20. The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and how the signature was verified.

**(d) A certificate holder may utilize an electronic credit system for the processing of customer deposits in accordance with § 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits).**

#### Subpart K. TABLE GAMES

##### CHAPTER 601a. GENERAL TABLE GAMES PROVISIONS

##### § 601a.10. Approval of table game **staffing plans, tournament schedules**, layouts, signage and equipment.

(a) Table game staffing plans, tournament schedules, dealer training programs and schematics of gaming guides, table game layouts, signage and equipment that require the approval of the Board's Executive Director shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form on the Board's web site **[ at [www.pgcb.pa.gov](http://www.pgcb.pa.gov) ]**.

\* \* \* \* \*

#### CHAPTER 609a. CREDIT

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

##### § 609a.19. Use of an electronic credit system for the processing of Counter Checks and customer deposits.

(a) A certificate holder may utilize an electronic credit system for the processing of Counter Checks and customer deposits. A certificate holder that utilizes an electronic credit system shall comply with §§ 609a.1—609a.12, 609a.17 and 609a.18 unless otherwise provided in this section.

(b) A certificate holder that elects to utilize an electronic credit system shall submit internal controls specifying all of the following:

(1) Which positions, as described in the certificate holder's jobs compendium, will have administrator, accounting and revenue audit, and cage function access to the electronic credit system, and the functions or permissions assigned to each of those roles. The certificate holder shall submit a narrative description of the permissions for each of the roles and the level of access assigned.

(2) Which positions will have permission to reset a patron's personal identification number (PIN) as provided in subsections (d)(2) and (e)(1)(iii).

(3) How a patron's credit information and limit established will be entered into the electronic credit system, ensuring compliance with the approval of credit limit requirements in § 609a.4 (relating to approval of credit limits).

(4) The flow of receipts and the reports generated through the revenue process.

(5) How a voided transaction in the electronic credit system will be processed, specifying which positions will have authority to void a transaction, ensuring that at least two employees with no incompatible functions process the void and that a detailed explanation for the void is recoded in the electronic credit system.

(6) How the certificate holder will ensure that redemption, partial redemption, substitution and consolidation of Counter Checks generated utilizing the electronic credit system complies with §§ 609a.15(d) and (g) and 609a.16(e) and (f) (relating to redemption of Counter Checks; and substitution and consolidation of Counter Checks).

(7) If the certificate holder allows patrons to substitute or redeem Counter Checks through the mail, how the certificate holder will process those redemptions and substitutions utilizing the electronic credit system.

(8) How credit transactions will be processed and accurately record if the electronic credit system becomes inoperable.

(9) Which funds a patron is required to utilize first if the patron has an established credit line and has a customer deposit, as provided in subsection (e).

(c) Prior to implementing the electronic credit system, the certificate holder shall establish and receive approval from Board staff to conduct a test period of the new electronic credit system. The certificate holder shall maintain its current credit processing system and may not fully transition to the electronic credit system until full approval is granted by the Board's Executive Director.

(d) To establish an electronic credit file for a patron, in addition to the requirements in §§ 609a.3—609a.6:

(1) The credit department shall scan the patron's valid picture identification into the electronic credit system for display when accessing a patron's credit file.

(2) The patron shall establish a PIN to access credit, which must be an encrypted PIN.

(e) For customer deposits, if a certificate holder is utilizing the electronic credit system to allow patrons access to their customer deposits, the certificate holder shall comply with § 465a.23 (relating to customer deposits) and:

(1) If the patron with a customer deposit does not already have an electronic credit account established, a deposit account shall be established as follows:

(i) The requirements for establishing a credit account in §§ 609a.3—609a.6 do not apply and a patron's credit limit shall be set at \$0.

(ii) The credit department shall scan the patron's picture identification for display when accessing the patron's deposited funds.

(iii) The patron shall establish a PIN to access the patron's deposited funds.

(2) Customer deposits shall be completed at the cage by a cage cashier with no incompatible functions. Utilizing the portable device, the cashier shall:

(i) Login by entering the employee's PIN.

(ii) Access the patron's account in the electronic credit system by entering the patron's account number or scanning the patron's card.

(iii) Credit the patron's account by the amount of the deposit.

(iv) Input the date and method of deposit (chips, gaming vouchers, cash, wire transfer, and the like).

(v) Have the patron enter his PIN and electronically sign verifying the accuracy of the transaction.

(vi) The cashier shall then electronically sign verifying the deposit.

(vii) A two-part deposit receipt evidencing the transaction shall be generated with one part provided to the patron and the other maintained in the cage cashier's impressed inventory.

(f) For the issuance of Counter Checks and the withdrawal of customer deposits utilizing an electronic credit system, notwithstanding § 609a.14 (relating to issuance and reconciliation of Counter Checks), if the issuance or withdrawal is conducted:

(1) At a gaming table:

(i) A pit clerk or above shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Enter or select the amount of credit or withdrawal requested.

(E) Have the patron enter his PIN and electronically sign verifying the accuracy of the transaction.

(ii) The dealer or boxperson shall then:

(A) Use the portable device and enter his PIN number.

(B) Verify the patron's credit or withdrawal request, selecting the gaming table at which the patron has requested the credit or withdrawal and electronically sign the verification.

(C) After verifying the credit or withdrawal request, the dealer shall place the portable device displaying the amount of the Counter Check or customer withdrawal and the equivalent number of chips on the gaming tables so both are captured by surveillance.

(D) Distribute the chips to the patron, completing the credit transaction.

(iii) A document evidencing the credit or withdrawal transaction shall be generated and placed in the drop box.

(2) At the cage:

(i) A cage cashier shall use an approved portable device and complete the requirements in paragraph (1)(i)(A)—(E).

(ii) The cage supervisor shall then:

(A) Use the portable device and enter his PIN number.

(B) Verify the patron's credit or withdrawal request and electronically sign the verification.

(C) After verifying the credit or withdrawal request, the cage supervisor shall place the portable device displaying the amount of the Counter Check or customer withdrawal and the equivalent in cash or a gaming voucher so both are captured by surveillance.

(D) Distribute the cash or gaming voucher to the patron, completing the credit or withdrawal transaction.

(iii) A document evidencing the credit or withdrawal transaction shall be generated and placed in the cashier's impressed inventory.

(3) At a slot machine:

(i) A slot attendant shall obtain the amount of the requested Counter Check or customer withdrawal, the patron's signature, asset number and the method of withdrawal (cash or gaming voucher) on a two-part request form and shall transport both copies of the request form directly to the cage cashier.

(ii) The cage cashier with no incompatible functions shall verify that there are sufficient funds in the patron's credit or customer deposit account to satisfy the request.

(iii) The cage cashier processing the request shall disburse funds to the slot attendant, in the presence of a cage supervisor, and shall:

(A) Sign the request form.

(B) Maintain the original of the request form in the cashier's impressed inventory.

(C) Provide the slot attendant with a portable device connected to the electronic system.

(D) Provide the duplicate of the request form to the slot attendant.

(iv) The slot attendant and cage supervisor shall transport the funds and the portable device to the patron at the slot machine. Prior to presenting the funds to the patron, the slot attendant and cage supervisor shall complete the procedures in paragraph (1)(i)(A)—(E) and (ii)(A) and (B).

(v) The slot attendant shall disburse funds requested by the patron and drop the duplicate copy of the request form in a locked accounting box.

(vi) If a transaction cannot be completed (patron changes his mind or changes the amount of credit or withdrawal requested), the slot attendant and cage supervisor shall return the funds and the request form to the cage cashier. The cage cashier shall clearly and conspicuously record "VOID" on the duplicate of the request form and maintain the document as part of his impressed inventory until forwarded to the accounting department for reconciliation with electronic credit system.

(vii) On a daily basis, the accounting department shall compare the original and duplicate request forms to the electronic credit system. Instances of irregularities of any kind or the misappropriation of funds shall be immediately reported to onsite casino compliance representatives.

(g) For the redemption and partial redemption of Counter Checks utilizing an electronic credit system:

(1) All redemptions and partial redemptions of electronically generated Counter Checks shall be initiated at the cage.

(2) If a patron has more than one unredeemed Counter Check, the most recently dated Counter Check shall be redeemed or partially redeemed first.

(3) When a patron partially redeems a Counter Check, the replacement Counter Check shall be dated with the same date as the Counter Check being redeemed.

(4) Notwithstanding § 609a.15, the full redemption of electronically generated Counter Checks shall be completed as follows:

(i) A cage cashier shall use a portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the most recently dated Counter Check to redeem.

(E) Select or enter the redemption amount and the payment method, provided that payment with a personal check must be drawn on a bank account in the patron's credit file as provided in § 609a.3(c)(4) (relating to application and verification procedures for granting credit).

(F) Verify that the total amount of an outstanding Counter Check matches the amount presented by the patron ensuring that the amount presented by the patron and the portable device displaying the amount of the Counter Check to be redeemed are captured by surveillance. The cage cashier shall then electronically sign the verification approving the redemption.

(ii) After placing the patron's payment into the cage cashier's impressed inventory, the cage cashier shall generate a two-part receipt documenting the redemption with one part provided to the patron and the other maintained in the cashier's impressed inventory.

(5) Notwithstanding § 609a.15, the partial redemption of electronically generated Counter Checks shall be completed as follows:

(i) The cage cashier shall complete the procedures in paragraph (4)(i)(A)—(D).

(ii) After selecting the Counter Check to partially redeem, the cage cashier shall enter the partial redemption amount and the payment method ensuring that the amount presented by the patron and the portable device displaying the amount of the partial redemption are captured by surveillance. The cage cashier shall then electronically sign the verification approving the partial redemption and shall create an electronic Counter Check for the difference between the amount presented and the electronic Counter Check being partially redeemed.



(iii) After signing the portable device acknowledging completion of the partial redemption and placing the patron's payment into the cage cashier's impressed inventory, the cage cashier shall generate a two-part receipt documenting the partial redemption with one part provided to the patron and the other maintained in the cage cashier's impressed inventory.

(h) For the substitution and consolidation of Counter Checks utilizing an electronic credit system:

(1) All substitutions and consolidations of electronically generated Counter Checks shall be initiated at the cage.

(2) Notwithstanding § 609a.16:

(i) To consolidate two or more Counter Checks, a cage cashier shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the Counter Checks to be consolidated. The cage cashier shall then enter the employee's PIN and electronically sign the verification approving the consolidation.

(ii) To substitute a Counter Check, a cage cashier shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the Counter Check to substitute.

(E) A patron may substitute the Counter Check for an electronic Counter Check on a different account that has been verified and recorded in the patron's electronic credit file in accordance with § 609a.3(c)(4) or may substitute for a personal check provided that the personal check is drawn on an account that has been verified and recorded in the patron's credit file. If a patron provides a personal check, the cage cashier shall enter the transaction into the electronic credit system and place the personal check in the cage cashier's impressed inventory.

(F) The cage cashier shall then electronically sign the verification completing the substitution.

(i) A certificate holder that utilizes an electronic credit system shall record each electronic Counter Check issued and Customer Deposit withdrawn at a gaming table on the Daily Banking Table Game Count Report required under § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

## CHAPTER 621a. PAI GOW

### § 621a.1. Definitions.

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

**Bank**—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow [ **wagers** ] **Wagers**.

**Co-banking**—When the bank and the dealer each cover 50% of all winning Pai Gow [ **wagers** ] **Wagers**.

**Copy hand**—A high hand or low hand of a player which is identical in pair rank or point value as the corresponding high hand or low hand of the dealer or bank.

**Gee Joon Pair**—The Six (2-4) tile and the Three (1-2) tile.

**Heaven Pair**—Two Twelve (6-6) tiles.

**High hand**—The two-tile hand formed with two of the four tiles dealt that ranks higher than the low hand formed from the remaining two tiles.

**Identical Pair**—Two tiles that are identical in appearance such as two Four (3-1) tiles.

**Low hand**—The two-tile hand formed with two of the four tiles dealt that ranks lower than the high hand formed from the remaining two tiles.

**Marker**—An object used to designate the bank and the co-bank.

**Mixed Pair**—Two tiles with the same number of spots but not identical in appearance such as two Eight tiles (6-2) and (5-3).

**Setting the hands**—The process of forming a high hand and a low hand from the four tiles dealt.

**Supreme Pair**—The Six (2-4) tile and the Three (1-2) tile that forms the highest ranking hand.

**Value**—The numerical point value assigned to a pair of tiles in accordance with § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

**Vigorish**—A fee collected on winning Pai Gow **Wagers**.

**§ 621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.**

(a) Pai Gow shall be played at a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Pai Gow table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game **staffing plans, tournament schedules, layouts, signage and equipment**) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) A separate betting area designated for the placement of the Pai Gow [ **wager** ] **Wager** for each player.

(3) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the Dead Hand.

(4) If the certificate holder offers the optional **Pair Fortunes Wager** authorized under § 621a.5(e)(1) (relating to wagers):

(i) A separate betting area designated for the placement of the **Pair Fortunes Wager** for each player.

(ii) Inscriptions that advise patrons of the payout odds for the **Pair Fortunes Wager**. If the payout odds are not inscribed on the layout, a sign identifying the odds shall be posted at each Pai Gow table.



(5) If the certificate holder is offering a wager based on the value of the dice in the manual or player-activated Pai Gow shaker, each player's wagering position must have:

(i) A separate betting area designated for the placement of the Sum Wager, if offered by the certificate holder, authorized under § 621a.5(e)(2).

(ii) Six separate betting areas designated for the placement of the Match Wager, if offered by the certificate holder, authorized under § 621a.5(e)(3).

(iii) A separate betting area designated for the placement of the Beat It Wager, if offered by the certificate holder, authorized under § 621a.5(e)(4).

(iv) A player-activation button if player-activated Pai Gow is being offered by the certificate holder.

(c) Each Pai Gow table must have a drop box with a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

(d) Pai Gow shall be played with a Pai Gow shaker, approved in accordance with § 601a.10(a), used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker shall be the responsibility of the dealer and may not be left unattended at the table. The Pai Gow shaker must be designed and constructed to maintain the integrity of the game and:

(1) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow shaker. Dice that have been placed in a Pai Gow shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Be designed to prevent the dice from being seen while being shaken.

(3) Have the name or logo of the certificate holder imprinted or impressed thereon.

(e) If a certificate holder elects to use a computerized random number generator as permitted under § 621a.6 (relating to procedures for dealing the tiles; **settling of wagers based on value of dice**), the random number generator shall be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(f) Notwithstanding subsection (d), a certificate holder may utilize a player-activated Pai Gow shaker to determine the starting position for the dealing of the Pai Gow tiles provided that the shaker is submitted to the Bureau of Gaming Laboratory Operations for approval in accordance with § 461a.4 prior to its use. The player-activated Pai Gow shaker must:

(1) Have the capability of being sealed or locked to ensure the integrity of the three dice contained inside the shaker. Dice used inside the shaker must comply with § 603a.12(b) (relating to dice; physical characteristics) and if offering the Beat It Wager authorized under § 621a.5(e)(4)(i), one red and two blue dice must be used in the shaker.

(2) Shake the dice for at least 5 seconds to cause a random mixing of the dice.

#### § 621a.5. Wagers.

(a) Wagers at Pai Gow shall be made by placing value chips or plaques on the appropriate areas of the Pai Gow layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Pai Gow table may place a wager. Once a player has placed a wager and received tiles, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and treated as losing wagers.

(c) All wagers at Pai Gow shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 621a.6 (relating to procedures for dealing the tiles; **settling of wagers based on value of dice**). **Verbal wagers accompanied by cash may not be accepted.** A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) **To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Pai Gow Wager.**

(e) **If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Pai Gow Wager in accordance with subsection (d) the option of placing the following additional wagers:**

(1) **A Pair Fortunes Wager which shall win if any of the four tiles dealt to a player contains a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair. The Pair Fortunes Wager does not have bearing on any of the player's other wagers.**

(2) **A Sum Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow Shaker and shall win depending on the payable selected by the certificate holder, if:**

(i) **The total of the three dice in the Pai Gow shaker is equal to an 8, 16 or 17.**

(ii) **The total of the three dice is equal to a 3, 8 or 9.**

(iii) **At least two of the dice are matching.**

(iv) **The three dice form a series, such as a 1, 2 and 3, or 3, 4 and 5.**

(3) **A Match Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow shaker and shall win if at least two of the dice in the Pai Gow shaker match the value selected by the player. For example, a player's Match Wager on the 1 shall win if two or three of the dice rolled is a 1.**

(4) **A Beat It Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow shaker and shall win depending on the payout table selected by the certificate holder in its Rules Submission, if:**

(i) **The red die in the Pai Gow shaker is equal in value to or greater than the sum of the two blue dice. For example, a player's Beat It Wager shall win if the red die is a 6 and the two blue dice are a 2 and a 1 for a total of 3.**

(ii) Any single dice beats the sum of the two other dice by 1 to 4 points. For example, a player's Beat It Wager shall win if the dice rolled are a 5, a 1 and a 1 ( $5 - (1 + 1) = 3$ ).

[ (d) ] (f) Except as provided in § 621a.9(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2 [ (relating to table games Rules Submissions) ], permit a player to wager on two adjacent betting areas at a Pai Gow table. If a certificate holder permits a player to wager on adjacent betting areas, the tiles dealt to each betting area shall be played separately. If the [ two ] Pai Gow wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 621a.6. Procedures for dealing the tiles; settling of wagers based on value of dice.

(a) After the dealer has completed mixing and stacking the tiles, the dealer shall either:

(1) Announce "no more bets" and use a computerized random number generator that automatically selects and displays a number.

(2) Announce "no more bets" and shake the Pai Gow shaker at least three times to cause a random mixture of the dice. The dealer shall then remove the lid covering the Pai Gow shaker and place the uncovered Pai Gow shaker on the designated area of the table layout. [ After removing the lid covering the Pai Gow shaker, the dealer shall total the dice. ]

(3) Announce "no more bets" and instruct a player to activate the Pai Gow shaker by pressing an activation button at the player's wagering position.

(b) [ The dealer shall then announce the total of the dice or the number displayed by the computerized random number generator. The total or number shall determine which player receives the first stack of tiles. ] If the certificate holder is utilizing a manual or player-activated Pai Gow shaker as provided in subsection (a)(2) or (3) and is offering Sum, Match and Beat It Wagers, after the dice come to rest, the dealer shall announce the numeric value of each die and determine if the player has a winning Sum, Match or Beat It Wager as described in § 621a.5(e)(2)—(4) (relating to wagers). The dealer shall settle the wagers by collecting all losing wagers and paying out winning wagers in accordance with § 621a.11(c)—(e) (relating to payout odds; vigorish).

(c) After settling the player's Sum, Match and Beat It Wagers, if applicable, the dealer shall then use the total of the dice or the number displayed by the computerized random number generator to determine which player receives the first stack of tiles. To determine the starting position for dealing the tiles, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, and the Dead Hand, beginning with the dealer as number one and continuing around the table in a

counterclockwise manner, until the count matches the total of the three dice or the number displayed by the computerized random number generator. Examples are as follows:

(1) If the dice total [ nine ] 9, the dealer would receive the first stack of four tiles.

(2) If the dice total 15, the sixth wagering position would receive the first stack of four tiles.

(d) The dealer shall deal the first stack of four tiles, starting from the right side of the eight stacks, to the starting position as determined in subsection (c) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer a stack of tiles, regardless of whether there is a wager at the position. The dealer shall place a marker on top of his stack of tiles immediately after they are dealt.

(e) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(f) If a manual Pai Gow shaker is utilized, once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

§ 621a.8. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.

\* \* \* \* \*

(e) A player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (g). Once the player has announced his intention to surrender, the dealer shall immediately collect the [ wager ] Pai Gow Wager from that player and collect the four tiles dealt to that player and stack them face down on the right side of the table in front of the table inventory container without exposing the tiles to any other player at the table provided that if a player placed a Pair Fortunes Wager, the player's wager shall be placed on top of the player's tiles until the wager is settled in accordance with subsection (j).

\* \* \* \* \*

(i) A wager shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Pai Gow Wager and collect a vigorish in accordance with § 621a.11(a) (relating to payout odds; vigorish).

(j) After settling the player's Pai Gow Wager, the dealer shall settle the player's Pair Fortunes Wagers, if applicable, by determining if the player's four tiles create a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair. Irrespective of how the player's hand was set, if the player's hand:

(1) Contains a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair, the dealer shall pay the winning Pair Fortunes Wager in accordance with § 621a.11(b).

(2) Does not contain a pair, the dealer shall collect the losing Pair Fortune Wager.

[ (j) ] (k) After settling the player's [ **wager** ] **Pai Gow and Pair Fortunes Wagers**, the dealer shall immediately collect the tiles of that player and place the tiles face up to the right of the dealer in front of the table inventory container.

[ (k) A certificate holder shall pay each winning **Pai Gow wager** at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made. ]

(l) Tiles collected by the dealer shall be picked up in order and in a way so that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 621a.9. Player bank; co-banking; selection of bank; procedures for dealing.**

\* \* \* \* \*

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a wager against the dealer during the last round of play in which there was no player banking the game.

(2) The player has sufficient value chips or plaques on the table to cover all of the [ **wagers** ] **Pai Gow Wagers** placed by other players at the table for that round of play.

\* \* \* \* \*

(h) Once the dealer has determined that a player may be the bank, as required under subsection (d), and the tiles have been mixed, stacked and, if applicable, cut, the dealer shall, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker's last wager made against the dealer or in an amount as specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container. Immediately upon receipt of the four tiles dealt to the dealer under subsection (k), the dealer shall place his wager on top of these tiles, instead of the marker otherwise required under § 621a.6 (relating to procedures for dealing the tiles; **settling of wagers based on value of dice**), before dealing the remaining tiles. If co-banking is in effect, the dealer may not remove any value chips from the table inventory container under this subsection.

\* \* \* \* \*

(o) If a player is banking the round of play, once the dealer has determined the outcome of the [ **wager** ] **Pai Gow Wager** of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the [ **wager** ] **Pai Gow Wager** shall win, lose or tie. Losing [ **wagers** ] **Pai Gow Wagers** shall be immediately collected and placed in the center of the table. All winning [ **wagers** ] **Pai Gow Wagers**, includ-

ing the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning [ **wagers** ] **Pai Gow Wagers** have been paid, the dealer shall collect from the bank an amount equal to the remaining winning [ **wagers** ] **Pai Gow Wagers** and place that amount in the center of the layout. The remaining winning [ **wagers** ] **Pai Gow Wagers** shall be paid from the amount in the center of the layout. If, after collecting all losing [ **wagers** ] **Pai Gow Wagers** and paying all winning [ **wagers** ] **Pai Gow Wagers**, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with [ § 621a.8 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish) ] § 621a.11(a) (relating to payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(p) Immediately after a winning [ **wager** ] **Pai Gow Wager** of the dealer is paid, this amount and the dealer's original [ **wager** ] **Pai Gow Wager** shall be returned to the table inventory container.

(q) Each player who has a winning [ **wager** ] **Pai Gow Wager** against the bank shall pay a 5% vigorish on the amount won, in accordance with [ § 621a.8 ] § 621a.11(a).

(r) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the [ **wager** ] **Pai Gow Wager** shall win, lose or tie. Losing [ **wagers** ] **Pai Gow Wagers** shall be immediately collected and placed in the center of the table. All winning [ **wagers** ] **Pai Gow Wagers** shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning [ **wagers** ] **Pai Gow Wagers** have been paid, the dealer shall collect from the co-bank an amount equal to 1/2 of the remaining winning [ **wagers** ] **Pai Gow Wagers** and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning [ **wagers** ] **Pai Gow Wagers** from the table inventory container and place that amount in the center of the layout. The remaining winning [ **wagers** ] **Pai Gow Wagers** shall be paid from the total amount in the center of the layout. If, after collecting all losing [ **wagers** ] **Pai Gow Wagers** and paying all winning [ **wagers** ] **Pai Gow Wagers**, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with [ § 621a.8 ] § 621a.11(a) on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the co-bank.

(s) After the **Pai Gow Wager** has been settled, the dealer shall settle the player's **Pair Fortunes Wager** in accordance with § 621a.8(j) (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish).



**§ 621a.10. Irregularities; invalid roll of the dice.**

(a) If [ **the dealer uncovers the Pai Gow shaker and** ] all three dice [ **have not landed** ] in the **Pai Gow shaker do not land** flat on the bottom of the shaker, the dealer shall call a “no roll” and **the dealer or player, if a player-activated shaker is used, shall** reshake the dice.

(b) If the dealer uncovers the **manual** Pai Gow shaker and a die or dice fall out of the shaker, the dealer shall call a “no roll” and reshake the dice.

\* \* \* \* \*

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

**§ 621a.11. Payout odds; vigorish.**

(a) The certificate holder shall pay each winning Pai Gow Wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(b) The certificate holder shall pay each winning Pair Fortunes Wager at the odds in the following payout table:

<i>Hand</i>	<i>Payout</i>
Gee Joon Pair and Heaven Pair	300 to 1
Two pair	25 to 1
Gee Joon Pair	8 to 1
Mixed Pair	4 to 1
Identical Pair	3 to 1

(c) The certificate holder shall pay each winning Sum Wager in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission:

<i>Sum of Dice</i>	<i>Paytable A</i>	<i>Sum of Dice</i>	<i>Paytable B</i>
17	25 to 1	3	25 to 1
16	6 to 1	8	4 to 1
8	3 to 1	9	2 to 1
	<i>Paytable C</i>		<i>Paytable D</i>
Any three match	3 to 1	Any series of three	15 to 2
Any two match	1 to 1		

(d) The certificate holder shall pay each winning Match Wager at the odds in the following payout table:

	<i>Payout</i>
Triple match	100 to 1
Double match	6 to 1

(e) The certificate holder shall pay out each winning Beat It Wager in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission:

	<i>Paytable A</i>	<i>Paytable B</i>
Red die beats sum of blue dice by		
4 points	50 to 1	60 to 1
2 or 3 points	10 to 1	10 to 1
Tie or 1 point	1 to 1	1 to 1
	<i>Paytable C</i>	
Any die beats sum of other two by	5 to 2	
[ <b>one</b> ] 1 or more points		

**CHAPTER 635a. SPANISH 21****§ 635a.3. Cards; number of decks; value of cards.**

(a) **Except as provided in subsection (d)**, Spanish 21 shall be played with six or eight decks of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 635a.4 (relating to opening of the table for gaming).

(b) The decks of cards opened for use at a Spanish 21 table shall be changed at least once every 24 hours.

(c) The value of the cards shall be as follows:

(1) Any card from 2 to 9 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

**(d) If an automated card shuffling device is utilized, other than a continuous shuffler, Spanish 21 may be played with two batches of cards in accordance with the following requirements:**

**(1) Each batch shall be separated and must contain an equal number of decks in each batch.**

**(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.**



(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

**§ 635a.4. Opening of the table for gaming.**

\* \* \* \* \*

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a), (c) and (d) do not apply.

(f) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(d) separate from the decks in the other batch of cards.

**§ 635a.5. Shuffle and cut of the cards.**

\* \* \* \* \*

(g) If there is no gaming activity at a Spanish 21 table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table for inspection face down unless a player requests that the cards be spread face up on the table. After the first player at the table is afforded an opportunity to visually inspect the cards[, the procedures in § 635a.4(d) (relating to opening of the table for gaming) and this section shall be completed. ]:

(1) If an automated shuffling device is not in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards on the table shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. The batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, unless a player requests otherwise.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**CHAPTER 649a. THREE CARD POKER**

**§ 649a.1. Definitions.**

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

**5 of 6 Envy Bonus**—An additional fixed sum payout made to a player who placed a 5 of 6 Progressive Payout Wager when another player at the Three Card Poker table is the holder of a 5 of 6 Envy Bonus Qualifying Hand.

**5 of 6 Envy Bonus Qualifying Hand**—A player's five-card Poker hand with a rank of a royal flush, as defined in § 649a.6(d) (relating to Three Card Poker rankings).

**Five-Card Envy Bonus**—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

**Five-Card Envy Bonus Qualifying Hand**—A player's five-card Poker hand with a rank of a straight flush or better, as defined in accordance with § 649a.6(d) [ (relating to Three Card Poker rankings) ].

\* \* \* \* \*

**§ 649a.2. Three Card Poker table physical characteristics.**

\* \* \* \* \*

(b) The layout for a Three Card Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game staffing plans, tournament schedules, layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) If the certificate holder offers the 5 of 6 Progressive Payout Wager authorized under § 649a.7(d)(8), a separate area designated for the placement of the 5 of 6 Progressive Payout Wager.

[ (6) ] (7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with [ § 649a.7(d)(4) or (6) ] § 649a.7(d)(4), (6) or (8), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

\* \* \* \* \*

**§ 649a.7. Wagers.**

\* \* \* \* \*

(d) The following wagers may be placed in the game of Three Card Poker:

\* \* \* \* \*

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 649a.6(d) (relating to Three Card Poker rankings). After placing an

Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

**(8) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player who placed an Ante Wager or a Pair Plus Wager the option of placing a 5 of 6 Progressive Payout Wager which shall win if the player's three cards combined with the dealer's three cards forms a straight or better as described in § 649a.6(d). After placing an Ante Wager or a Pair Plus Wager, or both, a player making a 5 of 6 Progressive Payout Wager shall place a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective 5 of 6 Progressive Payout Wager has been accepted.**

(e) Notwithstanding subsection (d)(1)–(3), a certificate holder may offer a version of Three Card Poker requiring:

\* \* \* \* \*

**§ 649a.11. Procedures for completion of each round of play.**

\* \* \* \* \*

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Three or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) or (h) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus [ or ], Five Card Hand Bonus or a 5 of 6 Progressive Payout Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus [ or ], Five Card Hand Bonus or 5 of 6 Progressive Payout Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus [ or ], Five Card Hand Bonus or a 5 of 6 Progressive Payout Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

\* \* \* \* \*

(8) If the certificate holder offers the Five Card Hand Bonus Wager, after settling all other wagers, the dealer shall then settle the Five Card Hand Bonus Wager and any Magic Card or Lucky Bonus payouts. The dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player and the dealer from the player's or dealer's three cards and the two community cards. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 649a.12(i). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

**(9) If the certificate holder offers the 5 of 6 Progressive Payout Wager, after settling all other wagers, the dealer shall combine the player's three cards and the dealer's three cards to form the highest ranking five-card Poker hand of the player. If a player has won a progressive payout, the dealer shall:**

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning 5 of 6 Progressive Payout Wager in accordance with the payout odds in § 649a.12(j)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 643a.12(j)(5). Players making a 5 of 6 Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of a 5 of 6 Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a 5 of 6 Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table

and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 649a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(e) If a certificate holder offers a Progressive Payout Wager:

\* \* \* \* \*

(3) The rate of progression (**incrementation rate**) and the seed and reseed amounts for the meter used for the progressive payouts in paragraph (1) must be [ in the certificate holder's Rules Submission filed in accordance with § 601a.2 and must be at least 14% for Paytable A and 20% for Paytable B. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$1,000. ] based upon the amount of the Progressive Payout Wager being offered and must be as follows:

	<i>Paytable A</i>	<i>Paytable B</i>
Seed/reseed	\$1,000 for 1	\$1,000 for 1
Incrementation rate		
Primary	14%	20%

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c) (relating to procedures for completion of each round of play).

\* \* \* \* \*

(h) If a certificate holder offers the Five-Card Progressive Payout Wager:

\* \* \* \* \*

(3) The rate of progression (**incrementation rate**) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be [ in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000. ] based upon the amount of the Five-Card Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	21%

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c)(7).

\* \* \* \* \*

(i) If a certificate holder offers the Five Card Hand Bonus Wager:

\* \* \* \* \*

(4) The rate of progression (**incrementation rate**) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be [ in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's

Rules Submission and must be at least \$10,000.] based upon the amount of the Five Card Hand Bonus Wager being offered and must be as follows:

Seed	\$10,000 for 1
Reseed	\$0
Incrementation rate	
Primary	21%
Reserve	8%

(j) If a certificate holder offers the 5 of 6 Progressive Payout Wager:

(1) The certificate holder shall pay out winning 5 of 6 Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Paytable</i>
Royal flush of spades	100% of meter
Royal flush of clubs, diamonds or hearts	25% of meter
Straight flush	250 for 1
Four-of-a-kind	100 for 1
Full house	20 for 1
Flush	10 for 1
Straight	5 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression (**incrementation rate**) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the 5 of 6 Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	28%

(4) Winning 5 of 6 Progressive Payout Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid.

(5) Envy Bonus payouts shall be made according to the following payouts for 5 of 6 Envy Bonus Qualifying Hands based upon the amount of the 5 of 6 Progressive Payout Wager placed by the player receiving the Envy Bonus:

***\$1 Progressive Payout Wager***

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush of spades	\$100
Royal flush of clubs, diamonds or hearts	\$50

***\$5 Progressive Payout Wager***

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush of spades	\$500
Royal flush of clubs, diamonds or hearts	\$250

**CHAPTER 659a. FORTUNE ASIA POKER**

**§ 659a.12. Payout odds.**

\* \* \* \* \*

(d) If the certificate holder offers the Progressive Payout Wager:

\* \* \* \* \*



(2) [ The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least \$2,000. ] A player shall receive the payout for only the highest ranking hand formed.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based on the amount of the Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	28%

(4) Winning Progressive Payout Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 659a.11(h) (relating to procedures for completion of each round of play).

#### CHAPTER 669a. RAISE IT UP STUD POKER

§ 669a.12. Payout odds; Envy Bonus; rate of progression.

\* \* \* \* \*

(e) If a certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

Hand	Payout
Ace, king and queen of spades	100% of meter
Ace, king and queen of hearts, diamonds or clubs	500 for 1
Straight flush	70 for 1
Three-of-a-kind	60 for 1
Straight	6 for 1
[ Seed amount	1,000 for 1
Increment rate	14% ]

(2) A player shall receive the payout for only the highest ranking hand formed from the player's three cards and the three community cards.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payouts in paragraph (1) must be [ in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least 14%. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$1,000. ] based on the amount of the Progressive Wager being offered and must be as follows:

Seed/reseed	\$1,000 for 1
Incrementation rate	
Primary	14%

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 669a.11(i)(3)(i) (relating to procedures for completion of each round of play).

\* \* \* \* \*

#### CHAPTER 670a. SIX-CARD FORTUNE PAI GOW POKER

§ 670a.12. Payout odds; Envy Bonus; rate of progression.

\* \* \* \* \*

(d) [ The certificate holder shall pay out winning Progressive Payout Wagers and Envy Bonus Payouts in accordance with the following: ] If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

Hand	Payout
Five aces	100% of meter
Royal flush	10% of meter
Straight flush	300 for 1
Four-of-a-kind	150 for 1
Full house	15 for 1
Flush	6 for 1
Straight	3 for 1
[ Seed amount	5,000 for 1
Increment rate	21% ]

(2) [ The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions) and be at least \$5,000. ] The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$5,000 for 1
Incrementation rate	
Primary	21%

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 670a.11(h)(3) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

\* \* \* \* \*

#### CHAPTER 674a. CRISS-CROSS POKER

§ 674a.7. Wagers.

\* \* \* \* \*

(g) [ A player may not wager on more than one player position at a Criss-Cross Poker table. ] The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 674a.12. Payout odds.

\* \* \* \* \*

(d) Notwithstanding the payout odds in subsections [ (a)—(c) ] (a) and (b), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table game Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round



of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. **Any maximum payout limit established by the certificate holder must apply only to payouts of Ante Across, Ante Down, Across Bet, Down Bet and Middle Bet Wagers under subsections (a) and (b) but does not apply to payouts for Five Card Bonus Wagers in subsection (c).**

#### CHAPTER 675a. HIGH ROLL DICE

##### § 675a.1. High Roll Dice table; physical characteristics.

\* \* \* \* \*

(b) The layout for a High Roll Dice table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game **staffing plans, tournament schedules**, layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(3) The payout odds, in accordance with § 675a.5 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each High Roll Dice table.

[ (4) If the certificate holder establishes a payout limit per player per round of play, as authorized under § 675a.5(l) (relating to payout odds), inscriptions that advise patrons of the payout limit. If the limit is not inscribed on the layout, a sign identifying the payout limit shall be posted at each high roll dice table.

(5) ] (4) A throw box set into the surface of the High Roll Dice table. The throw box layout must contain an area for the placement of dice labeled "Ace" through "Six" with the "Ace" box farthest to the left of the dealer and the "Two" box farthest to the right of the dealer.

\* \* \* \* \*

##### § 675a.5. Payout odds.

\* \* \* \* \*

(d) The certificate holder shall pay out winning Like Kind Boulevard Wagers on the Extra Roll at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	50 to 1
Seven-of-a-kind	10 to 1
Six-of-a-kind	4 to 1
Five-of-a-kind	2 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	6 to 1

[ (e) Notwithstanding the payout odds in subsections (a), (b) and (d), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table game Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. The aggregate payout limit established may not include winning Millionaire Row Wagers as provided in subsection (c). ]

##### § 675a.6. High Roll Dice variation.

\* \* \* \* \*

(k) The certificate holder shall pay out winning Like Kind Wagers at the following odds:

	<i>Payout Odds</i>
Six-of-a-kind	6,000 to 1
Five-of-a-kind	200 to 1
Four-of-a-kind	15 to 1
Three-of-a-kind	2 to 1
Two-of-a-kind	1 to 2
No matches	60 to 1

[ (l) Notwithstanding the payout odds in subsections (j) and (k), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. ]

#### CHAPTER 678a. HIGH CARD FLUSH

##### § 678a.7. Wagers.

\* \* \* \* \*

(e) [ A player may not wager on more than one player position at a High Card Flush table. ] The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

##### § 678a.12. Payout odds; payout limitation.

\* \* \* \* \*

(d) If a certificate holder offers the Progressive Jackpot Wager:

\* \* \* \* \*

(3) The rate of progression (**incrementation rate**) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be [ in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$30,000. ] based upon the amount of the Progressive Jackpot Wager being offered and must be as follows:

	<i>Paytable A</i>	<i>Paytable B</i>
Seed	\$30,000 for 1	\$30,000 for 1
Reseed	\$0	\$0
Incrementation rate		
Primary	23%	23%
Reserve	5%	5%

(4) Winning Progressive Jackpot Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 678a.11(e)(3) (relating to procedure for completion of each round of play).

(e) Notwithstanding the payout odds in [ subsections (a)—(c) ] subsection (a), if specified in its Rules Submission form filed in accordance with § 601a.2, the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, which-

ever is greater. [ **The aggregate payout limit established may not include winning progressive jackpot wagers.** ] Any maximum payout limit established by the certificate holder must apply only to payouts of Ante and Raise Wagers under subsection (a) but does not apply to payouts for Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wagers under subsections (b)—(d).

#### CHAPTER 680a. SAIGON 5 CARD

##### § 680a.1. Definitions.

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

*Ante Wager*—The wager that a player is required to make prior to any cards being dealt to compete against the dealer's hand.

*Bonus Wager*—An optional wager a player may make to compete against a posted payout table.

*Pot Wager*—A wager that a player is required to make, if selected by the certificate holder, prior to any cards being dealt to compete against the other players' two-card hands.

*Qualify or qualifies*—When the dealer's three-card hand or the player's three-card hand made from the five cards dealt to the dealer and the player has a total value of 10, 20 or 30.

*Showdown hand*—The two-card hand of the player or the dealer made from the five cards dealt to the player or the dealer.

##### § 680a.2. Saigon 5 Card table physical characteristics.

(a) Saigon 5 Card shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Saigon 5 Card table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game **staffing plans, tournament schedules**, layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Ante Wager for each player.
- (3) **If the certificate holder elects to require players to make a Pot Wager, as selected by the certificate holder in its Rules Submission, a separate betting area designated for the placement of the Pot Wager.**

[ (3) ] (4) Two separate areas for each player for the placement of the player's three-card qualifying hand and the player's two-card showdown hand.

[ (4) ] (5) If the certificate holder offers the optional Bonus Wager authorized under § [ **680a.7(d)(2)** ] **680a.7(d)(3)** (relating to wagers), a separate area designated for the placement of the Bonus Wager for each player.

[ (5) ] (6) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If payout odds are not inscribed on the layout, a sign indicating the payout odds for all permissible wagers shall be posted at each Saigon 5 Card table.

[ (6) ] (7) If the certificate holder establishes a payout limit per player, per round of play, as authorized under § 680a.12(d) (relating to payout odds; [ **Envy Bonus; rate of progression** ] **payout limitation**), inscriptions that advise patrons of the payout limit. If the payout limit is not inscribed on the layout, a sign identifying the payout limit shall be posted at each Saigon 5 Card table.

(c) Each Saigon 5 Card table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Saigon 5 Card table must have a discard rack securely attached to the top of the dealer's side of the table.

##### § 680a.7. Wagers.

\* \* \* \* \*

(d) The following wagers may be placed in the game of Saigon 5 Card:

(1) A player [ **may** ] **shall** compete solely against the dealer by placing an Ante Wager.

(2) **If more than one player is playing at a Saigon 5 Card table and the certificate holder elects to require players to place a Pot Wager, a player shall make a Pot Wager equal to the table minimum to compete against the other players' two-card hands.**

[ (2) ] (3) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Saigon 5 Card table the option to make an additional Bonus Wager which shall win if the player's five cards contain two pair or better as described in § 680a.6(c) (relating to Saigon 5 Card rankings).

\* \* \* \* \*

##### § 680a.11. Procedures for completion of each round of play.

\* \* \* \* \*

(d) After the dealer's cards are turned face up and set, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player. The dealer shall turn the player's three-card hand face up on the layout and compare the dealer's three-card hand to the player's three-card hand. If the dealer's three-card hand:

- (1) Does not qualify and the player's three-card hand:
  - (i) Does not qualify, the dealer shall return the player's Ante Wager.
  - (ii) Qualifies, the dealer shall reveal the player's showdown hand. If the player's two-card showdown hand:
    - (A) Has a Point Count of 1—4 or 6—10, the dealer shall pay the winning Ante Wager in accordance with § 680a.12(a) (relating to payout odds; [ **Envy Bonus; rate of progression** ] **payout limitation**).

\* \* \* \* \*

(e) After settling the player's Ante Wager, the dealer shall settle any optional Bonus Wager by reconfiguring the player's five cards to form the highest ranking Poker hand. If the player's hand:

(1) Does not contain two pair or better, as provided in § 680a.6(c) (relating to Saigon 5 Card rankings), the dealer shall collect the losing Bonus Wager.

(2) Contains two pair or better, the dealer shall pay the winning Bonus Wager in accordance with § 680a.12(c).

**(f) After settling the player's Ante and Bonus Wagers, the dealer shall settle the Pot Wager, if offered by the certificate holder, by determining which player's two-card hand point total ranks the highest. The player with the highest ranking two-card hand point total shall be paid the entire pot amount provided that if there is a tie hand, the pot shall be split evenly between the winning players.**

**[ (f) ] (g)** After all wagers of the player have been settled, the dealer shall remove any remaining cards from

the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 680a.12. Payout odds; **[ Envy Bonus; rate of progression ] payout limitation.**

\* \* \* \* \*

(d) Notwithstanding the payout odds in subsections **[ (a)—(c) ] (a) and (b)**, if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. **Any maximum payout limit established by the certificate holder must apply only to payouts of Ante Wagers under subsections (a) and (b) but does not apply to payouts for Bonus Wagers under subsection (c).**

[Pa.B. Doc. No. 17-1161. Filed for public inspection July 14, 2017, 9:00 a.m.]

# NOTICES

## ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

### Request for Bids; Correction

An error occurred in the notice published at 47 Pa.B. 3746 (July 8, 2017). The e-mail address was incorrect and is corrected as follows.

The Administrative Office of Pennsylvania Courts is soliciting bids for Statewide Hardware and Network Support. Services include equipment installation, relocation and/or removal of equipment, as well as hardware, wiring and network support in Court sites throughout this Commonwealth. Bid documents may be obtained from William Holste, Administrative Office of Pennsylvania Courts, P.O. Box 62307, Harrisburg, PA 17106-2307, (717) 795-2000, Ext. 3093, William.Holste@pacourts.us.

[Pa.B. Doc. No. 17-1162. Filed for public inspection July 14, 2017, 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 July 4, 2017.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>										
6-29-2017	<p><i>From:</i> The First National Bank of Mifflintown Mifflintown Juniata County</p> <p><i>To:</i> Pennian Bank Mifflintown Juniata County</p> <p>Conversion from a National banking association to a Pennsylvania State-chartered bank and trust company. Pennian Bank is a wholly-owned subsidiary of First Community Financial Corporation, Mifflintown, an existing bank holding company.</p> <p>Branch offices operated by Pennian Bank:</p> <table><tr><td>Two North Main Street Mifflintown Juniata County</td><td>24021 Route 333 Thompsons town Juniata County</td></tr><tr><td>9775 Route 75 South East Waterford Juniata County</td><td>50 Stop Plaza Drive Mifflintown Juniata County</td></tr><tr><td>5804 William Penn Highway Port Royal Juniata County</td><td>216 South Carlisle Street New Bloomfield Perry County</td></tr><tr><td>250 Tuscarora Path Ickesburg Perry County</td><td>3544 Shermans Valley Road Loysville Perry County</td></tr><tr><td>75 Red Hill Road Newport Perry County</td><td>5201 Spring Road Shermans Dale Perry County</td></tr></table>	Two North Main Street Mifflintown Juniata County	24021 Route 333 Thompsons town Juniata County	9775 Route 75 South East Waterford Juniata County	50 Stop Plaza Drive Mifflintown Juniata County	5804 William Penn Highway Port Royal Juniata County	216 South Carlisle Street New Bloomfield Perry County	250 Tuscarora Path Ickesburg Perry County	3544 Shermans Valley Road Loysville Perry County	75 Red Hill Road Newport Perry County	5201 Spring Road Shermans Dale Perry County	Effective
Two North Main Street Mifflintown Juniata County	24021 Route 333 Thompsons town Juniata County											
9775 Route 75 South East Waterford Juniata County	50 Stop Plaza Drive Mifflintown Juniata County											
5804 William Penn Highway Port Royal Juniata County	216 South Carlisle Street New Bloomfield Perry County											
250 Tuscarora Path Ickesburg Perry County	3544 Shermans Valley Road Loysville Perry County											
75 Red Hill Road Newport Perry County	5201 Spring Road Shermans Dale Perry County											



<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
	22 Veterans Way Elliottsburg Perry County	146 Stoney Creek Drive Mifflintown Juniata County (Trust and Investment Services Office)

**Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2017	ACNB Corporation Gettysburg Adams County	Effective
	Application for approval to acquire 100% of New Windsor Bancorp, Inc., Taneytown, MD, and thereby indirectly acquire 100% of New Windsor State Bank, New Windsor, MD.	

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2017	ACNB Bank Gettysburg Adams County	Effective
	Merger of New Windsor State Bank, New Windsor, MD, with and into ACNB Bank, Gettysburg, PA.	
	As a result of the merger, the following branch offices of New Windsor State Bank became branch offices of ACNB Bank:	
	1708 Liberty Road Eldersburg Carroll County, MD	2305 Hanover Pike Hampstead Carroll County, MD
	1001 Twin Arch Road Mount Airy Carroll County, MD	213 Main Street New Windsor Carroll County, MD
	222 East Baltimore Street Taneytown Carroll County, MD	810 Market Street Westminster Carroll County, MD
	444 WMC Drive Westminster Carroll County, MD	

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-27-2017	Meridian Bank Malvern Chester County	653 Skippack Pike Blue Bell Montgomery County	Opened
6-28-2017	Landmark Community Bank Pittston Luzerne County	1000 Wyoming Avenue Wyoming Luzerne County	Filed

**Mobile Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-29-2017	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	Lancaster and Chester Counties	Withdrawn

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-26-2017	CNB Bank Clearfield Clearfield County	To: 301 Main Street Ridgway Elk County	Effective
		From: 2070 Court Street Ridgway Elk County	

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-29-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2324 Ardmore Boulevard Forest Hills Allegheny County  <i>From:</i> 2020 Ardmore Boulevard Forest Hills Allegheny County	Filed
6-30-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 105 Culvert Street Zelienople Butler County  <i>From:</i> 100 North Main Street Zelienople Butler County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-30-2017	CNB Bank Clearfield Clearfield County	601 Market Street Johnsonburg Elk County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-4-2017	Select Asset Management & Trust Mechanicsburg Cumberland County  Amendment to Article Second of the institution's Articles of Incorporation provides for change in their principal place of business from 4718 Gettysburg Road, Mechanicsburg, Cumberland County, PA 17055 to 4732 Gettysburg Road, Mechanicsburg, Cumberland County, PA 17055.	Effective

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-26-2017	Delco Postal Credit Union Upper Darby Delaware County  Application for approval to merge Philadelphia Post Office Employees Credit Union, Yeadon, with and into Delco Postal Credit Union, Upper Darby.	Filed
6-28-2017	TruMark Financial Credit Union Fort Washington Montgomery County  Application for approval to merge Philadelphia Mint Federal Credit Union, Philadelphia, with and into TruMark Financial Credit Union, Fort Washington.	Filed
7-1-2017	Belco Community Credit Union Harrisburg Dauphin County  Application for approval to merge Cornerstone Federal Credit Union, Carlisle, with and into Belco Community Credit Union, Harrisburg.  As a result of the merger, the following branch offices of New Windsor State Bank became branch offices of ACNB Bank:  5 Eastgate Drive Carlisle Cumberland County  5 Carlisle Road Newville Cumberland County	Effective
	320 North Hanover Street Carlisle Cumberland County  100 Mount Rock Road Newville Cumberland County	

**Branch Applications  
De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-30-2017	Hidden River Credit Union Pottsville Schuylkill County	538 Altamont Boulevard Frackville Schuylkill County	Filed

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. 17-1163. Filed for public inspection July 14, 2017, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2017**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of August, 2017, is 5%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.51 to which was added 2.50 percentage points for a total of 5.01 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-1164. Filed for public inspection July 14, 2017, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Conservation and Natural Resources Advisory  
Council Meeting**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, July 26, 2017, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katie Woodbury directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 17-1165. Filed for public inspection July 14, 2017, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

**Partnerships for Innovative Troops to Teachers Programs to Expand Pennsylvania's Teacher Workforce in Subject Shortage Areas Guidelines**

The Partnerships for Innovative Troops to Teachers Programs to Expand Pennsylvania's Teacher Workforce in Subject Shortage Areas guidelines are established to provide direction to partnerships as they submit applications focusing on innovative and alternative pathways for military veterans to complete a teacher preparation program, apply for a Pennsylvania instructional certificate and teach in a subject shortage area or in a local education agency (LEA) with the greatest shortages, which are listed in Table 1.

Table 1. Subject Shortage Areas and LEAs with Greatest Shortages

<i>Subject Shortage Areas</i>	<i>School Districts with Greatest Shortages</i>	<i>Area Vocational Comprehensive Technology Centers and Charter Schools with Greatest Shortages</i>	<i>Intermediate Units with Greatest Shortages</i>
English as a Second Language PreK—12 Fine and Performing Arts PreK—12, including Art, Music and Theater Foreign Languages PreK—12, including all world languages Hearing Impaired PreK—12 Sciences 7—12, including Biology, Chemistry, Earth and Space Science, General Science and Physics Mathematics 7—12 Special Education PreK—12 Speech and Language Impaired PreK—12 Visually Impaired PreK—12 Vocational Education 7—12	Allentown City Council Rock Hazleton Area North Penn Philadelphia City Pittsburgh Public	Frederick Douglass Mastery CS Lehigh Career and Technical Institute Mastery CS—Gratz Campus Olney Charter HS York County School of Technology	Capital Area IU 15 Central Susquehanna IU 16 Lancaster-Lebanon IU 13 Montgomery County IU 23 Chester County IU 24 Delaware County IU 25

Applications submitted in response to these guidelines are limited to Statewide partnerships aimed at providing alternative pathways for veterans to become classroom teachers. Competitive applications submitted under these guidelines will:

1. Expand this Commonwealth's educator pipeline by utilizing alternative pathways to prepare a cohort of retired military personnel to become certified to teach in LEAs that have critical vacancies in subjects that are difficult to fill with appropriately qualified teachers.

2. Implement specially-designed alternative certification pathways that include a year-long residency program. These alternative pathways will start with knowledge and skills that are critical and essential for a novice teacher to have (that is, classroom management, analyzing student data, application of different teaching strategies, learning multiple ways to assess student learning, leadership skills, ability to collaborate with adults, strong professional dispositions appropriate for teaching, learning strategies designed for educating children from backgrounds that are diverse, dual language learners and to advance the development and learning of children who have specialized developmental or learning needs, such as children with disabilities or learning delays). Providing immediate opportunities for the skills and knowledge to be practiced and applied in a real high-poverty/minority classroom setting is essential in preparing effective teachers.

3. Develop sustainable relationships that culminate in high quality practice-based/clinical experiences for this Commonwealth's future teachers who will teach in high-poverty/minority schools.

4. Recruit veterans and implement successful outreach services<sup>1</sup> and strategies for veterans to provide intensive support to veterans during their first year of teaching by matching them with a classroom teacher who holds the

same type of certification and has demonstrated abilities in helping all children learn. Student teacher supervisors, cooperating teachers and principals will learn effective coaching strategies to use with new and current teachers.

5. Connect veterans with the Pennsylvania's Troops to Teachers office (office) for additional outreach and one-on-one support. The office will collaborate with any LEA participating in a partnership to establish hire-in-advance agreements. Additionally, through the assignment of a designated staff person, the Bureau of School Leadership and Teacher Quality will assist veterans as they navigate the Commonwealth's certification requirements and Teacher Information Management System.

Each partnership will designate a teacher preparation entity as the lead organization responsible for all aspects of the project.

Approximately \$200,000 is available on a competitive basis under this grant application for one funding cycle beginning in fall 2017 and ending spring 2018. Additional grant funds may be available for up to 5 years if the Department of Education (Department) succeeds in submitting a proposal that is accepted for funding.

#### *Eligibility Requirements*

Partnerships under the application guidelines are created to expand the teacher workforce in this Commonwealth's LEAs that struggle to hire and retain new classroom teachers. To be eligible to submit a proposal under these guidelines, a partnership shall include:

1. Multiple teacher preparation entities across this Commonwealth strategically located in close proximity to partner LEAs.

2. Multiple LEAs previously listed in Table 1.

Additional partners may include:

1. A Commonwealth intermediate unit.

2. A nonprofit cultural or educational organization.

3. Teacher organizations.

<sup>1</sup> Vision of "every service member interested in a career in teaching will receive assistance to transition his or her leadership, training and core values to teaching in kindergarten through grade twelve schools" ([www.proudtoserveagain.com](http://www.proudtoserveagain.com)).



## 4. Business and community members.

It is the intent of the Department to fund Statewide partnerships that include a network of institutions of higher education and LEAs, as well as other entities and organizations that may add value to the work of the partnership.

*Application Deadline*

Applications are due by 5 p.m. on Thursday, August 31, 2017.

The grant application guidelines and forms will be available on the Department's web site on July 17, 2017.

Questions concerning the grant application should be addressed to Stephanie Stauffer, Division of Professional Education and Teacher Quality, Bureau of School Leadership and Teacher Quality, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333, (717) 783-6763, TDD (717) 783-8445, [sstauffer@pa.gov](mailto:sstauffer@pa.gov).

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 17-1166. Filed for public inspection July 14, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

*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>
PA0215945 (Sewage)	Trinity South Elementary School WWTP 50 Scenic Drive Washington, PA 15301	Washington County Amwell Township	Little Tenmile Creek (19-B)	Yes
PA0098400 (Sewage)	Albert Gallatin Jr High School South 2625 Morgantown Road Uniontown, PA 15401-6703	Fayette County Springhill Township	Georges Creek (19-G)	Yes
PA0030082 (Sewage)	Brownsville Hospital STP 125 Simpson Road Brownsville, PA 15417	Fayette County Redstone Township	Unnamed Tributary to Dunlap Creek (19-C)	Yes
PA0096521 (Sewage)	Ohiopyle State Park— Boaters Change House STP PO Box 105 Ohiopyle, PA 15470	Fayette County Stewart Township	Meadow Run (19-E)	Yes
PA0032425 (Sewage)	Ohiopyle State Park Campground STP PO Box 105 Ohiopyle, PA 15470	Fayette County Stewart Township	Unnamed Tributary to Youghiogheny River (19-E)	Yes
PA0093203 (Sewage)	Penn State New Kensington Campus STP 113 Physical Plt Bldg Univ Prk, PA 16802	Westmoreland County Upper Burrell Township	Unnamed Tributary to Pucketa Creek (18-A)	Yes

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

<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>
PA0228486 (Sewage)	Justin Ditty SRSTP PO Box 33 North Bend, PA 17760-0033	Clinton County Chapman Township	Unnamed Tributary to West Branch Susquehanna River (9-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0263982 (Sewage)	RL Thomas SRSTP 6101 Cabot Court Mentor, OH 44060	Erie County Springfield Township	Unnamed Tributary to Lake Erie (15-A)	Yes

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

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

**PA0255271**, Sewage, SIC Code 8800, **Susan Eisenbarth**, 9587 Geyser Avenue, Northridge, CA 91324. Facility Name: Eisenbarth Properties SRSTP. This proposed facility is located in West Deer Township, **Allegheny County**.

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

The receiving stream, Unnamed Tributary of Deer Creek, is located in State Water Plan watershed 18-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

The EPA Waiver is in effect.

**PA0092223**, Industrial, SIC Code 2822, **BASF Corporation**, 370 Frankfort Road, Monaca, PA 15061-2210. Facility Name: BASF Monaca Plant. This existing facility is located in Potter Township, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for existing discharges of treated industrial waste, treated sanitary wastewater, cooling tower blowdown, and storm water.

The receiving stream(s), the Ohio River and Raccoon Creek, are located in State Water Plan watershed 20-B and 20-D and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0.144 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	32.9	63.5	XXX	20.8	55.0	XXX
Chemical Oxygen Demand (COD)	561	839	XXX	500.0	1,000.0	XXX
Total Suspended Solids	62.2	125	XXX	35.0	112.0	XXX
Oil and Grease	22.1	34.7	XXX	10.0	20.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Chromium, Total	0.500	1.25	XXX	1.11	2.77	XXX
Copper, Total	XXX	XXX	XXX	0.5	1.0	XXX
Cyanide, Total	0.189	0.540	XXX	0.420	1.20	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Lead, Total	0.144	0.311	XXX	0.320	0.690	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Nickel, Total	0.761	1.79	XXX	1.69	3.98	XXX
Zinc, Total	0.473	1.18	XXX	1.05	2.61	XXX
2-Chlorophenol	0.013	0.044	XXX	0.031	0.098	XXX
2,4-Dichlorophenol	0.017	0.050	XXX	0.039	0.112	XXX
2,4-Dimethylphenol	0.008	0.016	XXX	0.018	0.036	XXX
Fluorene	0.009	0.026	XXX	0.022	0.059	XXX
2,4-Dinitrophenol	0.032	0.055	XXX	0.071	0.123	XXX
2,4-Dinitrotoluene	0.050	0.128	XXX	0.113	0.285	XXX
2,6-Dinitrotoluene	0.114	0.288	XXX	0.255	0.641	XXX
4,6-dinitro-o-cresol	0.035	0.124	XXX	0.078	0.277	XXX
2-Nitrophenol	0.018	0.031	XXX	0.041	0.069	XXX
4-Nitrophenol	0.032	0.055	XXX	0.072	0.124	XXX
Phenol	0.006	0.011	XXX	0.015	0.026	XXX
Acenaphthene	0.009	0.026	XXX	0.022	0.059	XXX
Acenaphthylene	0.009	0.026	XXX	0.022	0.059	XXX
Acrylonitrile	0.043	0.109	XXX	0.096	0.242	XXX
Anthracene	0.009	0.026	XXX	0.022	0.059	XXX
Chlorobenzene	0.006	0.012	XXX	0.015	0.028	XXX
1,2-Dichlorobenzene	0.034	0.073	XXX	0.077	0.163	XXX
1,3-Dichlorobenzene	0.013	0.019	XXX	0.031	0.044	XXX
1,4-Dichlorobenzene	0.006	0.012	XXX	0.015	0.028	XXX
1,3-Dichloropropylene	0.013	0.019	XXX	0.029	0.044	XXX
1,2,4-Trichlorobenzene	0.030	0.063	XXX	0.068	0.140	XXX
Ethylbenzene	0.014	0.048	XXX	0.032	0.108	XXX
Hexachlorobenzene	0.006	0.012	XXX	0.015	0.028	XXX
Nitrobenzene	0.012	0.030	XXX	0.027	0.068	XXX
Benzene	0.016	0.061	XXX	0.037	0.136	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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Benzo(a)Anthracene	0.009	0.026	XXX	0.022	0.059	XXX
Benzo(a)Pyrene	0.010	0.027	XXX	0.023	0.061	XXX
Benzo(k)Fluoranthene	0.009	0.026	XXX	0.022	0.059	XXX
3,4-Benzofluoranthene	0.010	0.027	XXX	0.023	0.061	XXX
Carbon Tetrachloride	0.008	0.017	XXX	0.018	0.038	XXX
Chloroethane	0.046	0.120	XXX	0.104	0.268	XXX
1,1,1-Trichloroethane	0.009	0.024	XXX	0.021	0.054	XXX
1,1,2-Trichloroethane	0.009	0.024	XXX	0.021	0.054	XXX
1,1-Dichloroethane	0.009	0.026	XXX	0.022	0.059	XXX
1,2-Dichloroethane	0.030	0.095	XXX	0.068	0.211	XXX
1,2-Dichloropropane	0.068	0.103	XXX	0.153	0.230	XXX
Bis(2-Ethylhexyl)Phthalate	0.046	0.125	XXX	0.103	0.279	XXX
Chloroform	0.009	0.020	XXX	0.021	0.046	XXX
Chrysene	0.009	0.026	XXX	0.022	0.059	XXX
Diethyl Phthalate	0.036	0.091	XXX	0.081	0.203	XXX
Dimethyl Phthalate	0.008	0.021	XXX	0.019	0.047	XXX
Di-n-Butyl Phthalate	0.012	0.025	XXX	0.027	0.057	XXX
Fluoranthene	0.011	0.030	XXX	0.025	0.068	XXX
Hexachlorobutadiene	0.009	0.022	XXX	0.020	0.049	XXX
Hexachloroethane	0.009	0.024	XXX	0.021	0.054	XXX
Methyl Chloride	0.038	0.085	XXX	0.086	0.190	XXX
Methylene Chloride	0.018	0.040	XXX	0.040	0.089	XXX
Naphthalene	0.009	0.026	XXX	0.022	0.059	XXX
Phenanthrene	0.009	0.026	XXX	0.022	0.059	XXX
Pyrene	0.011	0.030	XXX	0.025	0.067	XXX
1,1-Dichloroethylene	0.007	0.011	XXX	0.016	0.025	XXX
trans-1,2-Dichloroethylene	0.009	0.024	XXX	0.021	0.054	XXX
Tetrachloroethylene	0.009	0.025	XXX	0.022	0.056	XXX
Toluene	0.011	0.036	XXX	0.026	0.080	XXX
Trichloroethylene	0.009	0.024	XXX	0.021	0.054	XXX
Vinyl Chloride	0.046	0.120	XXX	0.104	0.268	XXX
Cyanide, Total	0.189	0.540	XXX	0.420	1.20	XXX
1,4-Dioxane	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 201 are based on a design flow of 0.007 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.007	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Internal Monitoring Point 301 are based on a design flow of 0.043 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX



The proposed effluent limits for Outfall 001 are based on a design flow of 0.284 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
1,4-Dioxane	XXX	XXX	XXX	XXX	Report	XXX
Benzidine (µg/L)	XXX	XXX	XXX	0.580	0.905	XXX

The proposed effluent limits for Outfalls 002, 003, and 004 are for storm water discharges.

<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>	
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
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions: requirements applicable to storm water outfalls associated with industrial activities, chemical additives, and compliance requirements for water quality limits below target quantitation limits.

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.

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

**PA0013129**, Industrial, SIC Code 3315, **Carpenter Tech Corp**, P O Box 14662, Reading, PA 19612-4662. Facility Name: Carpenter Technology Corporation. This existing facility is located in Reading City, **Berks County**.

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

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-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 effluent limits for Outfall 901 are as follows (based on a design flow of 1.45 MGD).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow						
Internal Monitoring Point	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)						
Internal Monitoring Point	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids						
Internal Monitoring Point	363	726	XXX	30.0	60.0	75
Total Dissolved Solids						
Internal Monitoring Point	Report	XXX	XXX	Report	XXX	XXX
Oil and Grease						
Internal Monitoring Point	181	363	XXX	15.0	30.0	30
Ammonia-Nitrogen						
Internal Monitoring Point	512	1,024	XXX	42.3	84.7	106
Nitrate as N						
Internal Monitoring Point	XXX	Report	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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Nitrogen						
Internal Monitoring Point	XXX	Report	XXX	XXX	Report	XXX
Chromium, Hexavalent						
Internal Monitoring Point	0.7	1.5	XXX	0.06	0.12	0.15
Chromium, Total						
Internal Monitoring Point	9.6	21.1	XXX	Report	Report	2
Copper, Total						
Internal Monitoring Point	1.9	3.9	XXX	0.16	0.32	0.4
Cyanide, Total						
Internal Monitoring Point	1.7	3.8	XXX	Report	XXX	0.35
Nickel, Total						
Internal Monitoring Point	9.2	21.7	XXX	Report	Report	1.9
Sulfate, Total						
Internal Monitoring Point	XXX	XXX	XXX	Report	XXX	XXX
Chloride						
Internal Monitoring Point	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total						
Internal Monitoring Point	XXX	0.6	XXX	XXX	0.05	0.08
Lead, Total						
Internal Monitoring Point	XXX	2.9	XXX	XXX	0.24	0.28
Silver, Total						
Internal Monitoring Point	XXX	0.8	XXX	XXX	0.07	0.1
Zinc, Total						
Internal Monitoring Point	XXX	7.1	XXX	XXX	0.58	0.72
Total Toxic Organics						
Internal Monitoring Point	XXX	4.0	XXX	XXX	0.33	XXX
Bromide						
Internal Monitoring Point	XXX	XXX	XXX	XXX	XXX	Report
1,1,1-Trichloroethane						
Internal Monitoring Point	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
1,1-Dichloroethylene						
Internal Monitoring Point	XXX	XXX	XXX	XXX	XXX	Report
Tetrachloroethylene						
Internal Monitoring Point	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfalls 002, 004, 005, 011, 012, 013, 014, and 902 are as follows (based on design flows of 2.16 MGD, 0.13 MGD, 0.15 MGD, 1 MGD, 0.72 MGD, 0.4 MGD, 3.09 MGD, 0.36 MGD, respectively).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	110	110
					Daily Max	

The proposed effluent limits for stormwater Outfalls 015, 016, 017 are as follows (based on a design flow of 0 MGD).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily 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
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for stormwater Outfall 018 are as follows (based on a design flow of 0 MGD).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
PCBs Wet Weather Analysis (ng/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- If the existing PCB sample results for IMP 901 are not found satisfactory upon DEP review, an annual monitoring requirement for PCBs will added at IMP 901.
- There is a TMDL on the Schuylkill River for PCBs. Direct dischargers may be required to prepare a Pollutant Minimization Plan if sampling results indicate concentrations > 0.044 ng/l using EPA Analytical Method 1668A.
- This discharger is subject to requirements of the Delaware River Basin Commission.
- Chemical Additives that could be in the discharge must be pre-approved by DEP before their use, not discharged at concentrations that would be harmful, and their usage rates must be reported to DEP.

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

The EPA Waiver is not in effect because the facility is considered by EPA to be a "Major" facility.

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Application No. PA0232891**, Concentrated Animal Feeding Operation (CAFO), **Windy Ridge Breeder Farm, LLC**, 166 Dugan Lane, Lock Haven, PA 17745-8696.

Windy Ridge Breeder Farm, LLC has submitted an application for an Individual NPDES permit for a new CAFO known as Windy Ridge Breeder Farm, LLC, located in Pine Creek Township, **Clinton County**.

The CAFO is situated near Unnamed Tributary to Sulphur Run in Watershed 9-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 308.80 animal equivalent units (AEUs) consisting of 90,000 laying chickens. Manure will be collected in each barn and stored in an underbarn concrete manure storage. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

**PA0265101**, Sewage, SIC Code 8800 and 4952, **Stephen Young**, 19304 Cole Road, Conneautville, PA 16406. Facility Name: Stephen Young SRSTP. This proposed facility is located in Conneaut Township, **Crawford County**.

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

The receiving stream is an unnamed tributary to Foster Run, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	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	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
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

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

**WQM Permit No. 0217401**, Sewage, **Eisenbarth Susan**, 9587 Geyser Avenue, Northridge, CA 91324.

This proposed facility is located in West Deer Township, **Allegheny County**.

Description of Proposed Action/Activity: The proposed sewage facility is a small flow treatment facility consisting of a Norweco Singular Model 960 Aerobic Unit, Norweco Bio Film Reactor and Norweco LF 1000 Chlorinator. This facility will serve a four-bedroom single residence with average design flow of 500 gallons per day. The discharge will flow into an existing drainage ditch which flows to a tributary to Deer Creek which is a classified cold water fishery.

**WQM Permit No. 1117404**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

This proposed facility is located in the City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective sewers in the Kernville Area of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

**WQM Permit No. WQG02391702**, Sewage, **Lehigh County Authority**, PO Box 3348, Allentown, PA 18106.

This proposed facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Upgrades to the Spring Creek Relief Pump Station.

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

**WQM Permit No. 0688201**, Industrial Waste, **Giorgio Foods**, PO Box 319, Blandon, PA 19510.

This proposed facility is located in Maiden Creek Township, **Berks County**.

Description of Proposed Action/Activity: Amendment.

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

**WQM Permit No. WQG01101701**, Sewage, **Mary L Weichey**, 426 Route 422 E, Butler, PA 16002.

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

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

### IV. NPDES Applications for Stormwater Discharges from MS4

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

**PA0063665**, MS4, **Allentown City Lehigh County**, 641 South 10th Street, Allentown, PA 18103. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Allentown City, **Lehigh County**. The receiving streams, Jordan Creek, Cedar Creek, Little Cedar Creek, Trout Creek, Unnamed Tributary to Trout Creek, Little Lehigh Creek, Lehigh River, and Unnamed Tributary to Lehigh River, are located in State Water Plan watershed 2-C and are classified for Cold Water Fishes, Migratory Fishes, High Quality—Cold Water, Migratory Fish, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a large MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

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

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD150023	Executive Land Holdings, L.P. 721 Old State Road Berwyn, PA 19312	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF-MF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150027	Marsh Creek Homes 419 South Church Street Downingtown, PA 19335	Chester	East Brandywine Township	East Branch of Brandywine HQ-TSF-MF
PAD230008	Middletown Township c/o W. Bruce Clark 27 North Pennell Road Lima, PA 19037	Delaware	Middletown Township	Chrome Run TSF-MF Spring Run HQ-TSF-MF
PAD150031	Chester Water Authority P.O. Box 467 Chester, PA 19016	Chester	East and West Nottingham Townships	Tweed Creek TSF-MF Blackburn Run TSF-MF Northeast Creek WWF-TSF-MF Black Run EV-MF Stone Run TSF-MF

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

*Lackawanna County Conservation Dist, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350001	PPL Electric Utilities Corporation 2 North Ninth St. Allentown, PA 18101	Lackawanna	Clarks Summit Borough Dalton Borough Glenburn Township Newton Township Ransom Township South Abington Township West Abington Township City of Scranton	Leach Creek (TSF, MF) Summit Lake Creek (TSF, MF) Ackerly Creek (TSF, MF) Trout Brook (CWF, MF) South Branch Leach Creek (TSF, MF) Keyser Creek (CWF, MF) Gardner Creek (CWF, MF) Falls Creek (CWF, MF) EV Wetlands

*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>
PAD390030	Ciocca Properties, LP 321 S. West End Blvd Quakertown, PA 18951	Lehigh	Lower Macungie Township	Cedar Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480028	Segal & Morel at Forks Township X, LLC 991 Route 22 West Bridgewater, NJ 08807	Northampton	Forks Township	UNT to Delaware River (CWF, MF)
PAD480023	Tom Maloney Tatamy Farms LP P.O. Box 9 Center Valley, PA 18034	Northampton	Tatamy Borough	Bushkill Creek (HQ-CWF, MF)

*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>
PAD580001	Robert Davidson UGI Penn Natural Gas UGI Utilities, Inc. 2525 N 12th St, Suite 360 Reading, PA 19612	Susquehanna	Union Dale Borough Clifford Township Forest City Fell Township Vandling Borough Carbondale City Clinton Township	Lackawanna River (HQ-CWF, MF) UNTs to Lackawanna River (HQ-CWF, MF) Meredith Brook (CWF, MF) Wilson Creek (CWF, MF) Coal Brook (CWF, MF)

*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>
PAD640005	Roamingwood Sewer & Water Association P.O. Box 6 Lake Ariel, PA 18436	Wayne	Salem and Lake Townships	Ariel Creek (HQ-CWF, MF) UNT to Purdy Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD210006	Carlisle Auto Industries 1000 Bryn Mawr Road Carlisle, PA 17013	Cumberland County	Carlisle Borough	LeTort Spring Run (HQ-CWF, MF)
PAD210010	Teya Services, LLC 101 East 9th Ave., Suite 9B Anchorage, AK 99501-3651	Cumberland County	Hampden Township	Trindle Spring Run (HQ-CWF, MF)
PAD280001	Grove US LLC 1565 Buchanan Trail East PO Box 21 Shady Grove, PA 17256	Franklin County	Antrim Township	UNT Muddy Run (HQ-CWF)
PAD360013 Major Modification of PAI033613004(4)	Forino Co. LP 555 Mountain Home Road Sinking Spring, PA 19608	Lancaster County	Mount Joy Township	UNT Donegal Creek EV Wetlands (CWF) EV Wetlands
PAD360014	Grace Investment Holdings LP 2119 Marietta Avenue Lancaster, PA 17603	Lancaster County	Drumore Township	Fishing Creek (EV, MF)

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**NPDES Permit No. PAG123538, CAFO, Swatara Creek Swine LLC, 411 Chestnut Street, Lebanon, PA 17042.**

This existing facility is located in East Hanover Township, **Lebanon County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish, Boars, Gilts, Gestating Sows): 593.88 AEUs.

The receiving stream, Swatara Creek, is in watershed 7-D and classified for: Migratory Fishes and Warm Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**NPDES Permit No. PA0266574**, CAFO, **Lefever John R**, 1045 Holtwood Road, Quarryville, PA 17566.

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

Description of size and scope of proposed operation/activity: Poultry (Layers): 342 AEUs.

The receiving stream, Unnamed Tributary to Fishing Creek, is in watershed 7-K and classified for: High Quality—Cold Water and Migratory Fish.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**NPDES Permit No. PA0266582**, CAFO, **Kauffman David**, 12050 Greenwood Road, Huntingdon, PA 16652.

This proposed facility is located in Jackson Township, **Huntingdon County**.

Description of size and scope of proposed operation/activity: Beef (Cows), Swine (Grow—Finish): 718.43 AEUs.

The receiving stream, Unnamed Tributary to Standing Stone Creek, is in watershed 11-B and classified for: High Quality—Cold Water and Migratory Fish.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

## 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>
Todd Chestnut 910 Bridgewater Road Newville, PA 17241	Cumberland	958.3	1,063.79	Beef Cows Steers Broilers Goats Finish Swine	NA	Renewal
Brook Corner Holsteins Reid & Diane Hoover 400 Mt. Wilson Road Lebanon, PA 17042	Lebanon	385.7	849.21	Cattle— Dairy	NA	Renewal

<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>
Marlin Hartzler 39 Hazel Lane Belleville, PA 17004	Mifflin	113.9	607.56	Finisher Swine	NA	New
			40.92	Dairy Heifers	NA	
Funk Family Farms Jeff & Aretha Funk 18255 Ft. Davis Road Mercersburg, PA 17236	Franklin	374.6	634.75	Swine (Wean to Finish)	N/A	Renewal

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 0917517**, Public Water Supply.

Applicant **Warminster Municipal Authority**  
415 Gibson Avenue  
Warminster, PA 18974

Township Warminster

[County] **Bucks**

Responsible Official Joseph Nolan  
415 Gibson Avenue  
Warminster, PA 18974

Type of Facility PWS

Consulting Engineer CKS Engineers  
88 South Main Street  
Doylestown, PA 18901

Application Received Date June 9, 2017

Description of Action Application for the installation of Granular Activated Carbon filtration units for the treatments of PFOS and PFOA in Wells 1, 3, 5, 6, 7, 9, 14, 15, 24, 37, 43/44 and 45.

**Permit No. 0917510**, Public Water Supply.

Applicant **Temple of Judea of Bucks County**  
38 Roger Road  
Furlong, PA 18925

Township Doylestown

[County] **Bucks**

Responsible Official Gail Becker—Executive Director  
38 Roger Road  
Furlong, PA 18925

Type of Facility PWS

Consulting Engineer Thomas A. Pullar, P.E.  
Earthres Group, Inc.  
P.O. Box 468  
Pipersville, PA 18947-0488

Application Received Date March 27, 2017

Description of Action Application for the installation of blended phosphate injection for corrosion control and permitting of the exiting water system.

**Permit No. 1517505**, Public Water Supply.

Applicant **Nottingham Inn**  
190 Baltimore Pike  
Nottingham, PA 19362

Township West Nottingham

[County] **Chester**

Responsible Official Terri Sisler  
190 Baltimore Pike  
Nottingham, PA 19362



Type of Facility PWS  
 Consulting Engineer Suburban Water Technology, Inc.  
 1697 Swamp Pike  
 Gilbertsville, PA 19525  
 Application Received March 13, 2017  
 Date  
 Description of Action Application for the installation of  
 nitrate treatment and UV  
 disinfection at Nottingham Inn.

**Permit No. 1156608**, Public Water Supply.

Applicant **Richard L. Senn Trucking**  
 65 Senn Road  
 Chester Springs, PA 19425  
 Township Upper Uwchlan  
 [County] **Chester**  
 Responsible Official Richard L. Senn  
 65 Senn Road  
 Chester Springs, PA 19425

Type of Facility PWS  
 Consulting Engineer Brennan T. Kelly, P.E.  
 Aqua Pennsylvania, Inc.  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Application Received April 26, 2017  
 Date  
 Description of Action Application for a bulk water  
 loading station and a bulk water  
 hauling system.

**Permit No. 0917514**, Public Water Supply.

Applicant **Oldcastle Precast**  
 200 Keystone Drive  
 Telford, PA 18969  
 Township Hilltown  
 [County] **Bucks**  
 Responsible Official Jason Sinsel  
 Plant Manager  
 200 Keystone Drive  
 Telford, PA 18969  
 Type of Facility PWS  
 Consulting Engineer Jeremy S. Madaras, P.E.  
 250 Indian Lane  
 Boyertown, PA 19512

Application Received May 19, 2017  
 Date  
 Description of Action Application for the installation of  
 an arsenic treatment system and  
 permitting of the existing public  
 water supply.

**Permit No. 0917518**, Public Water Supply.

Applicant **Borough of Quakertown**  
 35 N. 3rd Street  
 Quakertown, PA 18951  
 Borough Quakertown  
 [County] **Bucks**  
 Responsible Official Steve Crotzer  
 Superintendent  
 35 N. 3rd Street  
 Quakertown, PA 18951

Type of Facility PWS  
 Consulting Engineer Jason Saylor, P.E.  
 Utility Service Company, Inc.  
 1230 Peachtree Street NE  
 Suite 100  
 11th Floor—Promenade II  
 Building  
 Atlanta, GA 30309  
 Application Received June 19, 2017  
 Date

Description of Action Application for installation of a  
 PAX Water Mixer at the  
 Reservoir Road Tank.

*Northcentral Region: Safe Drinking Water Program  
 Manager, 208 West Third Street, Suite 101, Williamsport,  
 PA 17701-6448.*

**Application No. 1717507—Construction—Public  
 Water Supply.**

Applicant **BCI Municipal Authority**  
 Township/Borough Gulich Township  
 County **Clearfield**  
 Responsible Official Rick Hoover  
 General Manager/Operator  
 625 Cressview St. Ext.  
 PO Box 388  
 Irvona, PA 16656

Type of Facility Public Water Supply  
 Consulting Engineer Tyler M. McGraw, EIT  
 Stiffler, McGraw & Associates,  
 Inc.  
 1731 North Juniata St.  
 Hollidaysburg, PA 16648

Application Received 6/27/2017

Description of Action Develop two new wells and an  
 additional source of water to  
 meet current and future system  
 demands. Also, provide chemical  
 treatment to the well water in  
 order to meet the MCLs for iron  
 and manganese. Construction of  
 a chemical feed building,  
 installation of chemical feed  
 equipment, replace pumps and  
 various valvework within the  
 pump station, construction of  
 two meter vaults, placement of  
 approximately 4,000 LF of water  
 piping, and installation of all  
 piping and appurtenances  
 necessary for the continued  
 operation of the system.

**LAND RECYCLING AND  
 ENVIRONMENTAL REMEDIATION  
 UNDER ACT 2, 1995  
 PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate  
 Submitted under the Land Recycling and Environ-  
 mental Remediation Standards Act (35 P.S.  
 §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environ-  
 mental 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**CenturyLink Communications LLC**, 2400 Market Street, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech Inc., 216 16th Street, Suite 1500, Denver, CO 80202 on behalf of Ed Clement, Jr. PE, EHS Manager, CenturyLink Communications, LLC, 600 New Century Parkway, New Century, KS 66031 submitted a Notice of Intent to Remediate. On January 21, 2016, approximately 4, 200 gallons of red-dyed diesel # 2 fuel oil was released from a day tank. The spill affected soil at two areas, the surface water of the Schuylkill River, and possibly groundwater along an existing storm water line between CTL facility and the Schuylkill River. The cur-

rent and future use for the building at 2400 Market Street is commercial and residential. The Notice of Intent to Remediate was published in the *Philadelphia Inquirer* on June 10, 2017.

**Tank Car Corporation of America**, 1725 Walnut Avenue, Springfield Township, **Montgomery County**. Bradley S. Wolf, BL Companies, 1100 First Avenue, Suite 104, King of Prussia, PA 19406, on behalf of Randy Shick, BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, Donald E. Berger, Jr., Springfield Township, 1510 Paper Mill Road, Wyndmoor, PA 19038-7032 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with volatile organic compounds (SVOCS), and metals, which have impacted soil and groundwater. The future use of the property is currently planned to include open, public recreational space and a ball field. The Notice of Intent to Remediate was published in *Philadelphia Daily News* on April 12, 2017.

**850 Mancill Mill Road**, 850 Mancill Road, Upper Merion Township, **Montgomery County**. Walter H. Hungarter, III, Vice President, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Annunzi Calvarese, Mancill Mill Road Company, 84 Autopark Boulevard, Royersford, PA 19468 submitted a Notice of Intent to Remediate. Arsenic impacted soil was detected on a portion of property. The Notice of Intent to Remediate was published in the *Times Herald* on May 18, 2017.

**Wolff Auto**, 501 East Girard Avenue, City of Philadelphia, **Philadelphia County**. Michael Napolitano, Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown, PA 19703 on behalf of Alyssa Schell, Taylor GeoServices, 38 Bishop Hollow Road, Newtown, PA, 19703, Lou Wolff, 21 Rosewood Court, Carversville, PA 18913 submitted a Notice of Intent to Remediate. Soil was contaminated from a former gasoline dispenser on the property. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *Philadelphia Tribune* on May 12, 2017.

**CVS Media**, Baltimore Avenue and Manchester Avenue, Media Borough, **Delaware County**. Justin R. Lauterbach, RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301 on behalf of John Cogan, Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002 submitted a Notice of Intent to Remediate. The site has been found to contain low levels of metals and polynuclear aromatic hydrocarbons (PAHs) in soils. The proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in *Delaware County Daily Times* on November 10, 2016.

**Jake's Fireworks**, 901 Chichester Avenue, Upper Chichester Township, **Delaware County**. Joseph Diamadi, Jr. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Eric Easter, Mmxvii Land Company LLC, 1500 27th Terrace, Pittsburg, KS 66762 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with heating oil that is suspected to have contaminated subsurface soil at the site. The proposed future use of the property will be maintained as commercial property. The Notice of Intent to Remediate was published in *Daily Times* on May 30, 2017.

**VMM Erkman LP**, 4581 Lower Valley Road, West Sadsbury Township, **Chester County**. Colleen Costello, GHD Services, Inc., 1140 Welsh Road, Suite 120, North Wales, PA 19454 on behalf of Tom Estock, Quad/Graphics,

Inc, N61 W23044 Harry's Way, Sussex, WI 53089-3995 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with toluene, benzene, trichloroethylene, arsenic, chromium, and lead which is suspected to have contaminated groundwater on the site. The proposed future use of the property will non-residential use. The Notice of Intent to Remediate was published in *Chester County Press*.

**1103-1105 & 1056 South 31st Street**, 1103-1105 & 1056 South 31st Street City of Philadelphia, **Philadelphia County**. Brenda MacPhail Kellogg, REPSG, Inc., 6901 Kingessing Avenue, Second Floor, Philadelphia, PA 19141 on behalf of James Manuel, REPSG, Inc., 6901 Kingessing Avenue, Second Floor, Philadelphia, PA 19142, Ed Webber, Lamm Realty Group, LLC., 3 Bala Plaza, Suite 123, Bala Cynwyd, PA 19004 submitted a Notice of Intent to Remediate. This NIR indicates that attainment of the site-specific standard for petroleum constituents in soil and groundwater will be demonstrated in future reporting. A Notice of Intent to Remediate was published in *Daily Local News* on May 4, 2017.

**Kinder Morgan Liquids Terminal, LLC**, 3300 North Delaware Avenue, City of Philadelphia, **Philadelphia County**. Greg Connell, Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of R. J. Sherman, Kinder Morgan Liquids Terminals, LLC, One Terminals Road, Carteret, NJ 07008 submitted a Notice of Intent to Remediate. This notice indicates that attainment of the site-specific standard for petroleum constituents in soil and groundwater. A Notice of Intent to Remediate was published in *Philadelphia Inquirer* on December 8, 2016.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**West Milton State Bank**, Canton Township, **Bradford County**. Moleseich Environmental, LLC, PO Box 654, Lewisburg, PA 17837, on behalf of West Milton State Bank, 840 High Street, West Milton, PA 17886, has submitted a Notice of Intent to Remediate site soil contaminated with used motor oil. A summary of the Notice of Intent to Remediate was published in the *Williamsport Sun-Gazette* on May 27, 2017.

#### **HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES**

**Applications received, withdrawn, denied or returned under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**RCRA Part B Permit Renewal Application No. PAD000738823. Safety-Kleen Systems Inc.** has submitted a RCRA Part B Permit renewal application for the storage of hazardous waste at the New Kingstown Service Center, located at 10 Eleanor Drive, New Kingstown, PA 17072 in Silver Spring Township, **Cumberland County**. On June 28 2017, the Department determined that the permit renewal application was administratively complete.

Persons interested in obtaining more information about this permit renewal application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the

Pennsylvania AT&T Relay Service, (800) 654-5984. A copy of the permit application is available for review at the Joseph T. Simpson Public Library, 16 North Walnut St., Mechanicsburg, PA 17055. In addition, the public is invited to review the application at the Department's Southcentral Regional Office. File reviews may be scheduled by calling 717-705-4732.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application Received 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.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 301350. Eldredge Inc**, 898 Fernhill Road, West Chester, PA 19380-4202, West Goshen Township, **Chester County**. This permit modification application is for Eldredge's residual waste processing facility located at 898 Fern Hill Road, West Chester, PA, in West Goshen Township, Chester County. The application was received by the Southeast Regional Office on June 22, 2017.

Comments concerning the application should be directed to the Department of Environmental Protection, Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Applications deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Chester County Solid Waste Authority Permit No. 100944 7224 Division Highway Narvon, PA 17555-9505.** The application submitted is for a major permit modification for off-site trucking of leachate. This application was deemed administratively complete by the Southcentral Regional Office on June 26, 2017. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.



## 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 Approval 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.

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

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**48-00003D: Keystone Cement Company**, (PO Box A, Routes 329 and 987, Bath, PA 18014) this Plan approval is for the installation and operation of a SNCR Control to demonstrate compliance with RACT II. There is no change to the process equipment currently permitted at their facility in East Allen Township, **Northampton County**. Plan Approval 48-00003D is for the installation of SNCR with ammonia injection system on the No. 1 Kiln.

The Plan Approval incorporates a new NO<sub>x</sub> emission limit to be in compliance with the RACT II regulations. Additionally, presumptive RACT II requirements have been added for a boiler, portable air compressor, and emergency generator.

All emission limitations for the source and facility established in previously issued permits remain unchanged.

The Plan Approval and Operating permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

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**Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a **Plan Approval # 48-00011A to Martins Creek, LLC**, 835 Hamilton Street, Suite 150, Allentown, PA 18101, for their plant located in Lower Mount Bethel Township, **Northampton County**. The facility currently has Title V Permit No. 48-00011. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 48-00011A is for the installation of Separated Over Fired Air (SOFA) equipment and use of the existing Flue Gas Recirculation (FGR) on boilers to control NO<sub>x</sub> emissions. The primary emission units at the Martins Creek SES are two (2) natural gas and fuel oil-fired electric generating units—Unit 3 and Unit 4. Units 3 and 4 are each Combustion Engineering, Inc. dry bottom, tangentially-fired boilers rated at 7,721.2 million British Thermal Units per hour (MMBtu/hr). These units are subject to new Reasonably Available Control Technology (RACT) regulations for major sources of nitrogen oxides (NO<sub>x</sub>) under 25 Pa. Code Chapter 129 (25 Pa. Code §§ 129.96—129.100), commonly known as "RACT II". To comply with the presumptive NO<sub>x</sub> emission limits appli-



cable to Unit 3 and Unit 4 found in 25 Pa. Code § 127.97, Martins Creek is modifying each unit to add separated over-fired air (SOFA) equipment and to repurpose the existing flue gas recirculation (FGR) systems to reduce

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*Operating Condition*

Burning natural gas only

Burning distillate oil only

Burning residual/other liquid fuel only

Burning multiple fuels

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*Presumptive NO<sub>x</sub> Limit*

0.10 lb NO<sub>x</sub>/MMBtu

0.12 lb NO<sub>x</sub>/MMBtu

0.20 lb NO<sub>x</sub>/MMBtu

Limit calculated for multiple fuels per 25 Pa. Code § 127(g)(4)

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The proposed installation will result in decrease in NO<sub>x</sub> emissions from the facility.

A review of the information submitted by the company indicates that the proposed project will meet all applicable State and Federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

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.: 48-00011A 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

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

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

**08-00003J: Jeld-Wen, Inc.** (PO Box 311, 825 Shiner Road, Towanda, PA 18848) for the modification of the Die Form Surface Coating Operation to increase the allowable emission of volatile organic compounds from 39.40 tons to 60.29 tons in any 12 consecutive month, as well as for the

NO<sub>x</sub> emissions from the boilers. Unit 3 and Unit 4 are subject to presumptive NO<sub>x</sub> RACT emission limitations under 25 Pa. Code § 129.97(g)(1)(i)—(iii), as shown in Table below.

construction of a 3.10 million Btu per hour, natural gas-fired oven, at their facility located in Wysox Township, **Bradford County**.

The Department of Environmental Protection's (Department) review of the information submitted by Jeld-Wen, Inc. indicates that the air contamination source to be modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including Subpart QQQQ requirements of the National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products, 40 CFR 63.4680—63.4781, the Control of Volatile Organic Compounds from Flat Wood Paneling Surface Coating Processes requirements of 25 Pa. Code § 129.52c and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed modification. The emissions from all proposed sources included in this project will not exceed the following limits: 3.20 TPY NO<sub>x</sub>, 2.55 TPY CO, 60.29 TPY VOCs, 10.81 TPY PM/PM<sub>10</sub>, 0.01 TPY SO<sub>x</sub>, 0.67 TPY HAPs.

In addition to the emission limitations, the following is a brief description of the conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: tpy emission limitation for NO<sub>x</sub>, lbs/1000 sq. ft. of product and tpy limitations for VOCs, gr/dscf limitations for PM/PM<sub>10</sub>, ppm limitation for SO<sub>x</sub>, tpy limitation for formaldehyde, recordkeeping requirements which ensure compliance with limitations listed herein and requirement that records be submitted to the Department on a quarterly basis. The facility is a major (Title V) facility. If the Department determines that the sources are modified and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 08-00003J, the requirements established in the plan approval will be incorporated into Title V Operating Permit 08-00003 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**03-00196B: National Fuel Gas Supply Corp.** (1100 State St., Erie, PA 16512-2081) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the

Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 03-00196B to allow the construction and initial temporary operation of a Frederick Logan Company enclosed ground flare Model No. DVC-36 (or equivalent) rated at 2.0 MMBtu/hr capturing and controlling emissions from the still vent of an existing NATCO Model No. 50694 triethylene glycol (TEG) dehydration unit (dehy) rated at 0.6 MMscfd at the Kaylor Compressor Station (Kaylor) located in Sugarcreek Township, **Armstrong County**.

Potential to emit from thedehy still vent and enclosed ground flare stack is estimated to be 0.91 ton per year of volatile organic compounds (VOC) and 0.05 ton per year of total hazardous air pollutants (HAPs). Best available technology (BAT) for controlling emissions from the TEGdehy unit is installation of the proposed enclosed ground flare with a minimum destruction/control efficiency of 98% as well as proper maintenance and operation of the unit. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.21, 123.31, and 123.41. The Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

The plan approval application, the Department's review memorandum, the proposed plan approval, and other relevant information are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the plan approval application for the facility, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Nicholas Waryanka, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; [nwaryanka@pa.gov](mailto:nwaryanka@pa.gov); or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-03-00196B), and concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

**04-00741A: ETC Northeast Field Services, LLC** (7000 Stonewood Drive, Suite 351, Wexford, PA 15090) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44–127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-04-00741A to allow the installation and initial temporary operation of four (4) 1,775 bhp Caterpillar G3606 lean burn natural gas-fired compressor engines each controlled by an oxidation catalyst; one (1) 80 MMscfd triethylene glycol dehydration unit with associated 1.5 MMBtu/hr reboiler, with flash gas emissions controlled by routing to reboiler and regenerator still

column and excess flash tank emissions controlled by existing 7.5 MMBtu/hr thermal oxidizer; one (1) condensate stabilizer with associated 2.0 MMBtu/hr heater; one (1) dew point control unit with associated 5.0 MMBtu/hr hot oil heater; one (1) enclosed combustor to control compressor rod packing emissions from the four new engines, electric flash gas compressor rod packing emissions, and EG regenerator/flash tank emissions; fugitive emissions from component leaks; and pigging operations at the Pike Compressor Station located in New Sewickley Township, **Beaver County**.

Additional sources currently operating under GP5-04-00741A include four (4) 1,775 bhp Caterpillar G3606 lean burn natural gas-fired compressor engines each controlled by an oxidation catalyst; one (1) 80 MMscfd triethylene glycol dehydration unit with associated 1.5 MMBtu/hr reboiler, with flash gas emissions controlled by routing to reboiler and regenerator still column and excess flash tank emissions controlled by 7.5 MMBtu/hr thermal oxidizer; one (1) condensate stabilizer with associated 2.0 MMBtu/hr heater; seven (7) 16,800-gallon condensate storage tanks controlled by a vapor recovery unit (VRU); one (1) 16,800 gallon produced water storage tank; miscellaneous storage tanks containing oil, TEG, and methanol; fugitive emissions from component leaks; truck loading emissions; and a facility flare. However, upon issuance of PA-04-00741A, Pike Compressor Station would become a Title V facility and no longer eligible to use the Department's GP5. Therefore, GP5-04-00741A sources, controls, and requirements will be incorporated into PA-04-00741A for temporary operation.

Potential to emit (PTE) from the facility after installation of the new sources and controls is 78.43 tons of nitrogen oxides (NO<sub>x</sub>), 43.50 tons of carbon monoxide (CO), 85.65 tons of volatile organic compounds (VOC), 5.55 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 5.55 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 6.87 tons of formaldehyde, 19.64 tons of total hazardous air pollutants (HAP), and 92,782 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. Best available technology (BAT) for the proposed lean-burn engines includes good combustion practices including combustion with the proper air/fuel ratio, installation and operation of oxidation catalysts, and proper maintenance and operation. BAT for the proposed dehydrator includes routing of flash gas to the reboiler and excess flash gas and still vent emissions to the thermal oxidizer.

The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2 and 123.31; New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart JJJJ for stationary spark ignition internal combustion engines and 40 CFR Part 60 Subpart OOOOa for crude oil and natural gas facilities; and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subpart HH for oil and natural gas production facilities and 40 CFR Part 63 Subpart ZZZZ for stationary reciprocating internal combustion engines. The reporting of greenhouse gas (GHG) emissions in the form of CO<sub>2</sub>e and on a mass basis has also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes NO<sub>x</sub>, CO, VOC, formaldehyde, and visible emission limits; and testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a Title V Operating Permit application in accordance with 25 Pa. Code Subchapters F and G.

The Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; [asandy@pa.gov](mailto:asandy@pa.gov); or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-04-00741A) and a concise statement of the objections to the plan approval and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. For additional information, you may contact Alexander Sandy at 412-442-4028.

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

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

**37-331B: RWE Holding Company** (P.O. Box 311, Portersville, PA 16051), The Department intends to issue a plan approval to RWE Holding Company for the modification of Source 106. The modification of the Dry Bulk Carbon Transfer process (Source 106) will include the replacement of bag house control devices Carbon Transfer Baghouses 1 & 2 (C106A and C106B). This project will not create any additional sources of air emissions.

Exhaust from C106A and C106B was vented indoors. The new control device (C106C) will be vented outside. Compliance with the control device PM concentration limit of 0.01 gr/dscf will be verified through stack testing. RWE Holding Company's Rundle Road facility is located in Taylor Township, **Lawrence County** at 535 Rundle Road (16101—New Castle).

This application was reviewed to evaluate the project's incorporation of Best Available Technology. The sources' emission rates of PM will be limited to the minimum achievable through BAT. Emissions from the facility will be controlled through efficient filtration technology. Based upon information provided by the control device manufacturer, emissions of PM will be restricted to a maximum rate 0.01 gr/dscf. This source was previously restricted to a maximum emission rate 0.04 gr/dscf. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code 127.44(e)(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 (814) 332-6340.

In accordance with 25 Pa. Code 127.44(e)(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, 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 [37-331B: RWE Holding Company] 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 the New Source Review Section Chief, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6328.

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.

**43-182E: Wheatland Tube Company** (P.O. Box 608, Wheatland, PA 16161), The Department intends to issue a plan approval to Wheatland Tube Company concerning the construction and initial operation of equipment for a new galvanized conduit pipe line. Wheatland's Council site is located in Wheatland Borough, **Mercer County**. The facility currently operates under Title V operating permit 43-00182.

Zinc metal will be applied to conduit pipe through zinc vaporization and condensing deposition. High current will be flowed through a zinc wire causing it to vaporize (metallizer gun). Vaporized metal which does not collect upon the pipe's surface becomes overspray and a source of PM emissions.

This application was reviewed to evaluate the project's incorporation of Best Available Technology. The sources' emission rates of PM will be limited to the minimum achievable through BAT. Emissions from the facility will be controlled through efficient filtration technology (cartridge dust collector). Based upon information provided by the control device manufacturer, emissions of PM will be restricted to a maximum rate 0.01 gr/dscf.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The control device will be operated and maintained as prescribed by the manufacturer. The manufacturer's maintenance and operation literature will be kept onsite. All maintenance will be record in a log. Emissions will be restricted to 0.01 gr/dscf. The stack will be monitored for visual emissions and the pressure drop across the filters media will be monitored and recorded. Zinc consumed by the process and collected by the control device will be recorded.



In accordance with 25 Pa. Code § 127.44(e)(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 (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(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, 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 [43-182E: Wheatland Tube Company] 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 the New Source Review Section Chief, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6328.

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.

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

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

**40-00067: Wyoming Valley Sanitary Authority** (1000 Wilkes-Barre Street, Wilkes-Barre, PA 18703-1323) The Department intends to issue a Title V Operating Permit renewal for operation of a sewage treatment facility in Hanover Township, **Luzerne County**. The sources on site include a sewage sludge incinerator, a bulk lime storage silo, and sludge holding tanks. Control equipment at the facility includes an odor control mist scrubber, a venturi scrubber, a wet electrostatic precipitator, a carbon bed adsorber, a roll filter, and a bin vent filter. The sources do not have the potential to emit major quantities of regulated pollutants above Title V emission thresholds, yet the facility must obtain a Title V Operating Permit due to model rule requirements according to 40 CFR Part 60 Subpart Mmmm. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable Federal and State air quality requirements.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00230: Veterinary Crematory Services** (387 Nina Way, Warminster, PA 18974) for an initial State Only Operating Permit in Warminster Township, **Bucks County**. Veterinary Crematory Services dba Evercare offers pet crematory services. The sources consist of five (5) natural gas-fired animal crematory units. The facility is categorized as a natural minor facility based on its potential emissions. The permit includes monitoring, record keeping and reporting requirements to address all applicable air quality requirements.

*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.*

**36-05094: Keystone Wood Specialties, Inc.** (2225 Old Philadelphia Pike, Lancaster, PA 17602) to issue a State Only Operating Permit for the custom wood specialties facility located in East Lampeter Township, **Lancaster County**. The actual emissions from the facility in 2016 year are estimated at 0.10 tpy of NO<sub>x</sub>, 0.09 tpy of CO, 0.02 tpy of PM<sub>10</sub>, 9.03 tpy of VOCs and 3.01 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface Coating Processes.

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

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

**65-00946: Equitrans LP** (625 Liberty Ave., Pittsburgh, PA 15222) In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Department of Environmental Protection (DEP) intends to issue an Air renewed facility-wide Natural Minor Operating Permit for the operation of a natural gas compressor station, known as the West Fairfield Station, located in Fairfield Township, **Westmoreland County**. The facility contains air contamination sources consisting of a 1,004-bhp, 4SLB, natural gas-fueled compressor engine, NG compressor, and dehydrator. Potential facility emissions are 19.4 tons of NO<sub>x</sub>, 19.4 tons of CO, 16.9 tons of VOC, 0.4 ton PM<sub>10</sub>, and 0.4 ton of PM<sub>2.5</sub>, and 3.7 tons of HAPs, including 1.8 ton of formaldehyde. The facility is subject to the applicable requirements of 40 CFR 60, Subpart OOOO, 40 CFR 63, Subpart ZZZZ, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Equitrans LP's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at [thkaminski@pa.gov](mailto:thkaminski@pa.gov) or 412.442.4000.



Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to 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 comments, requests for a public hearing, and 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). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 65-00946) 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.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194).

**65-00863: Braeburn Alloy Steel, Division of CCX** (101 Braeburn Road, Lower Burrell, PA 15068) In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to Braeburn Alloy Steel to authorize the operation of a facility located in Lower Burrell, **Washington County**.

The company offers a variety of services, including forging, conversion bar rolling, cold-finish annealing, stress relieving, thermal treatment, peeling and grinding. It converts materials into forged and rolled bars and billets. The company has a wide selection of equipment that includes computer-programmable presses, manipulators, water quench tanks, rolling mills, straighteners, grinders, saws, peelers, lathes and annealing furnaces. Actual facility-wide emissions for 2015 were estimated by the applicant to be 7.790 tpy of NO<sub>x</sub>, 0.156 tpy of VOCs, 0.033 tpy of SO<sub>x</sub> and 6882.700 tpy of CO<sub>2</sub>.

The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of

the person submitting the comments, identification of the proposed State Only Operating Permit (65-00863) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Braeburn Alloy Steel State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Braeburn Alloy Steel State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

### 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: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

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 **LGS PA, LLC** (P O Box 339, Bristol, IN 46507) for their facility located in Wright Township, **Luzerne County**.

**Plan Approval No. 40-00134B** is for the modification and operation of manufacturing equipment to produce enclosed cargo trailers. The company has proposed to increase the use of MFHAP containing welding rods from 2,000 lbs./yr to 18,720 lbs./yr. No other operational changes proposed by the company. The proposed change in annual rod usages will have no impact on potential PM/PM<sub>10</sub>/PM<sub>2.5</sub> emissions limits and will not result in an increase in potential emissions of regulated NSR pollutants from welding operations at the facility. The proposed revision in welding rod usage will trigger additional requirements listed in 40 CFR Part 63, Subpart XXXXXX. Total hazardous air pollutants (HAP) emissions from the project will not exceed 25 tpy, and individual HAP emissions will not exceed 10 tpy. The facility is subject to and complies with 40 CFR Part 63, Subpart XXXXXX for control of metal fabrication or finishing metal HAP (MFHAP). 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.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00134B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must

contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

### *Coal Applications Received*

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

**32901603 and NPDES No. PA0214507. Tipple Four J, Inc.,** (P.O. Box 435, Seward, PA 15954). To renew the permit for the Tipple Four J in Armstrong Township, **Indiana County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on June 28, 2017. Application received November 1, 2016.

**65091301 and NPDES No. PA0235873 and GP12-65091301. C & D Coal Company, LLC,** (21113 Shepard Lane, Abingdon, VA 24211). To operate the Kingston-West Mine in Derry Township, **Westmoreland County**. Permit term has lapsed, Operator has chosen to reactivate the Permit and related NPDES Permit. Includes authorization request for an air quality GPA/GP12 General Permit. Surface Acres Proposed 10.0, Underground Acres Proposed 999.0, Subsidence Control Plan Acres Proposed 971.4. Receiving Stream: Unnamed Tributaries to Loyalhanna Creek, classified for the following use: WWF. The application was considered administratively complete on June 28, 2017. Application received April 14, 2017.

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

**Permit No. 32070105. Bedrock Mines, LP,** 111 Freeport Road, Pittsburgh, PA 15215, renewal for reclamation only of a bituminous surface mine in Washington Township, **Indiana County**, affecting 40.2 acres. Receiving stream: South Branch Plum Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 19, 2017.

**Permit No. 56010104 and NPDES No. PA0249041. Wilson Creek Energy, LLC,** 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal for reclamation only of a bituminous surface and auger mine in Jenner and Lincoln Townships, **Somerset County**, affecting 135.8 acres. Receiving streams: unnamed tributaries to/ and Quemahoning Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority Quemahoning SWI. Application received: June 22, 2017.

**Permit No. 32070104 and NPDES No. PA0262404, P&N Coal Co., Inc.,** P.O. Box 332, Punxsutawney, PA 15767, renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 140.0 acres. Receiving streams: unnamed tributary to South Branch of Bear Run, unnamed tributary to Cush Creek, unnamed tributary to Brady Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 23, 2017.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**16120101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Limestone Township, **Clarion County**, affecting 130.5 acres. Receiving streams: One unnamed tributary to Piney Creek and Piney Creek, one unnamed tributary to Glade Run, and two unnamed tributaries to Sloan Run, all classified for the following uses: CWF. The first downstream potable water supply intakes from the point of discharge are Penwood Park Campground and Piney Meadows Campground. This renewal is for reclamation only. Application received: June 29, 2017.

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

**17060107 and NPDES PA0256391. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for continued operation and restoration of a bituminous coal surface and auger mine located in Girard Township, **Clearfield County** affecting 294.8 acres. Receiving stream(s): Deer Creek and Unnamed Tributary A to Deer Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 14, 2017.

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

**63070202 and NPDES Permit No. PA0251119. Lizabella Mining, LLC** (47 Grudevich Road, Canonsburg, PA 15317). Transfer application of an existing bituminous surface mine permitted by BOCA Coal, Inc., located in Union and South Park Townships, **Washington and Allegheny Counties**, affecting 98.9 acres. Receiving streams: Unnamed tributaries A & B to Piney Fork, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: June 13, 2017.

**03110102 and NPDES Permit No. PA0252166. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only to an

existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 47.2 acres. Receiving streams: Unnamed tributaries to Pine Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 26, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 49060101R2. Last Time Coal Co.,** (119 Greenwood Street, Trevorton, PA 17881), renewal of an existing anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 242.1 acres, receiving stream: unnamed tributary to Zerbe Run, classified for the following use: cold water fishes. Application received: June 13, 2017.

**Permit No. 54970101R4. Premium Fine Coal, Inc.,** (P.O. Box 268, Tamaqua, PA 18252), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Schuylkill Township, **Schuylkill County** affecting 727.0 acres, receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: June 15, 2017.

**Permit No. 54-305-021GP12R. Premium Fine Coal, Inc.,** (P.O. Box 268, Tamaqua, PA 18252), 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 Surface Mining Permit No. 54970101 in Schuylkill Township, **Schuylkill County**. Application received: June 15, 2017.

**Permit No. 49120101R. Blue Ridge Mining, LP,** (123 Iris Road, Shamokin, PA 17872), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 48.3 acres, receiving stream: Carbon Run, classified for the following use: cold water fishes. Application received: June 30, 2017.

#### *Noncoal Applications Received*

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

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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

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

**Permit No. 56970301 and NPDES No. PA0234362, Garrett Limestone Co., Inc.,** 451 Stoystown, Road, Suite 104, Somerset, PA 15501, revision to add 4.8 acres to the existing permit for surface support. Total SMP acres goes from 57.0 to 61.8, located in Black & Summit Townships, **Somerset County**. Receiving streams: Casselman River classified for the following use: High Quality warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2017.



*Noncoal Applications Withdrawn*

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

**Permit No. 58900303C6 and NPDES Permit No. PA0225305. Cecil Kilmer**, (363 SR 374, Nicholson, PA 18446), correction to an existing quarry operation to include an NPDES Permit for discharge of treated mine drainage in New Milford Township, **Susquehanna County**, receiving stream: Salt Lick Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: June 8, 2012. Application withdrawn: June 29, 2017.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.



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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0606154 (Mining Permit No. 32820134), Arcadia Company, Inc.**, 175 McKnight Road, Blairsville, PA 15717, renewal of an NPDES permit for treatment of a post mining discharge in Grant Township, **Indiana County**, affecting 1,166.0 acres. Receiving stream: unnamed tributary to Little Mahoning Creek, classified for the following use: High Quality—Cold Water Fishes (HQ-CWF). Application received: January 27, 2017.

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 facility outfall listed below discharges to unnamed tributary to Little Mahoning Creek:

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

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfalls: (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Total Dissolved Solids (mg/l)	2,000.0	4,000.0	5,000.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

**NPDES No. PA0263257 (Mining Permit No. 56110105), Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, renewal of an NPDES permit for a bituminous surface mine in Southampton Township, **Somerset County**, affecting 318.4 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run and unnamed tributary to Rush Run, classified for the following uses: cold water fishes and high quality cold water fishes. Application received: June 13, 2017.

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 treated wastewater outfalls listed below discharge to unnamed tributary to North Branch Jennings Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 003, and 004 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	N/A	N/A	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 002 and 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.4	2.8	3.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	N/A	N/A	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

*Outfalls: 002 and 005 (All Weather Conditions)*  
*Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Alkalinity must exceed acidity at all times.

The stormwater outfalls listed below discharge to unnamed tributaries to North Branch Jennings Run:

*Outfall Nos.*

*New Outfall (Y/N)*

006	N
007	N
008	N
010	N
011	N

*Outfalls: 006, 008, and 010 (Dry Weather)*  
*Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

*Outfalls: 007 and 011 (Dry Weather)*  
*Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.4	2.8	3.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

*Outfalls: 006, 007, 008, 010, and 011 ( $\leq 10$ -yr/24-hr Precip. Event)*  
*Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

*Outfalls: 006, 007, 008, 010, and 011 ( $> 10$ -yr/24-hr Precip. Event)*

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

The stormwater outfall listed below discharges to unnamed tributary to Rush Run:

*Outfall No.*

*New Outfall (Y/N)*

009	N
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*Outfall: 009 (Dry Weather)*  
*Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

*Outfall: 009 ( $\leq 10$ -yr/24-hr Precip. Event)*  
*Parameter*

*30-Day  
Average*

*Daily  
Maximum*

*Instant.  
Maximum*

Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

*Outfall: 009 (>10-yr/24-hr Precip. Event)*

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

Alkalinity must exceed acidity at all times.

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

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

**NPDES No. 0115711 (Mining permit no. 17860144), Junior Coal Contracting, Inc.,** 2330 Six Mile Road, Philipsburg, PA 16866, renewal of an NPDES permit for Surface Mining in Decatur Township, **Clearfield County**, affecting 324.0 acres. Receiving stream(s): Big Run to Moshannon Creek and Shimmel Run to Moshannon Creek, classified for the following use(s): CWF. Moshannon Creek Watershed TMDL. Application received: April 7, 2017.

The outfall(s) listed below discharge to Shimmel Run to Moshannon Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	N
TF-2	N
TF-3	N
TF-4	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

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

The outfall(s) listed below discharge to Big Run to Moshannon Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-5	N
TF-6	N
TF-7	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.76	3.52	4.40
Manganese (mg/l)		1.11	2.22	2.78
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

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

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**NPDES Permit No. PA0595756 on Underground Mining Permit No. 54851332. RS & W Coal Company,** (207 Creek Road, Klingerstown, PA 17941), renewal of an NPDES Permit for an anthracite underground mine operation in Norwegian Township and the City of Pottsville, **Schuylkill County**, affecting 2.1 acres. Receiving stream: West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: October 19, 2016.

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

The outfall listed below discharge to West Branch Schuylkill River:

<i>Outfall</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	No	Mine Drainage

The proposed effluent limits for the above listed outfall.

<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			
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids		35.0	70.0	90.0

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

**NPDES No. PA0594318 on Surface Mining Permit Number 49663009. Mallard Contracting Company, Inc.**, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal NPDES permit for an anthracite surface mine operation in Mount Carmel and Conyngham Townships, **Northumberland and Columbia Counties**, affecting 1,200 acres. Receiving stream: Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: January 20, 2016. There is no surface discharge proposed to Shamokin Creek from this site.

Non-discharge BMP's will apply to this site.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0121606 (Mining Permit No. 6478NC4), David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of an NPDES permit for a large noncoal shale operation in Antrim Township, **Franklin County**, affecting 29.0 acres. Receiving stream: unnamed tributary to/and Muddy Run, classified for the following uses: high quality cold water fishes and migratory fishes. Application received: September 4, 2014.

The outfalls listed below discharge to: unnamed tributary to/and Muddy Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond)	N
002 (Sediment Pond)	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron, Total	Monitor and Report		
Total Suspended Solids	35.0	70.0	90.0
Aluminum, Total	Monitor and Report		
Manganese, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Sulfate	Monitor and Report		
Osmotic Pressure	50.0 mOsm/kg		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

**NPDES No. PA0595365 (Mining Permit No. 6476SM6), Union Quarries, Inc.**, 102 Bonnybrook Road, Carlisle, PA 16664. Renewal of an NPDES permit for non-coal surface mining in South Middleton Township, **Cumberland County**, affecting 263.61 acres. Receiving stream: LeTort Spring Run, classified for the following use: Exceptional Value. Application received: July 20, 2016.

The outfall listed below discharges to unnamed tributary to LeTort Spring Run.

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

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 001, (≥10-yr/24-hr Precip. Event) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (Total)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow (gpm/gpd/MGD)		Monitor and Report	
Specific Conductivity (umhos/cm)		Monitor and Report	
Total Dissolved Solids (mg/l)		Monitor and Report	
Temperature (°C)		Monitor and Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			



Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

**NPDES Permit No. PA0224308 on Surface Mining Permit No. 46030301, Gibraltar Rock, Inc.,** (355 Newbold Road, Fairless Hills, PA 19030), revision and renewal of an NPDES Permit for an argillite and hornfels quarry operation in New Hanover Township, **Montgomery County**, affecting 241.0 acres. Receiving Streams: unnamed tributaries to Swamp Creek, classified for the following uses: trout stocking and migratory fishes. Application received: October 14, 2014.

*Outfall 001*—O.D. The following effluent limits apply to the other discharge (surface and groundwater—average discharge rate 0.4 MGD).

<i>Discharge Limitations (in mg/l)</i>			<i>Monitoring Requirements</i>		
<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>
Total Suspended Solids	35.0	70.0	90.0	2/Month (minimum)	Grab
pH		6—9 at all time		2/Month (minimum)	Grab
Total Dissolved Solids	500	-	-	2/Month (minimum)	Grab
Chromium (total)	0.1	0.2	0.25	2/Month (minimum)	Grab
Lead	0.015	0.03	0.0375	2/Month (minimum)	Grab
Endrin	0.002	0.004	0.005	2/Month (minimum)	Grab
Dieldrin*	0.00003	0.00006	0.000075	2/Month (minimum)	Grab
Benzene	0.001	0.002	0.0025	2/Month (minimum)	Grab
Total BETX	0.1	0.2	0.25	2/Month (minimum)	Grab
Carbon Tetrachloride	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
Chlorobenzene	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
Trichloroethylene	0.0025	0.0050	0.0063	2/Month (minimum)	Grab
1,1 Dichloroethylene	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
1,2 Dichloroethane	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
1,1,1 Trichloroethane	0.02	0.04	0.05	2/Month (minimum)	Grab
1,1,2 Trichloroethane	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
Vinyl Chloride	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
Pentachlorophenol*	<0.0005	<0.0005	<0.0005	2/Month (minimum)	Grab
Benzo(a)Anthracene	<0.0025	<0.0025	<0.0025	2/Month (minimum)	Grab
Benzo(a)Pyrene	<0.0025	<0.0025	<0.0025	2/Month (minimum)	Grab
Benzo(k)Fluoranthene	<0.0025	<0.0025	<0.0025	2/Month (minimum)	Grab
Bis(2-Ethylhexyl) Phthalate	<0.005	<0.005	<0.005	2/Month (minimum)	Grab
1,2 Dichlorobenzene	0.01	0.020	0.25	2/Month (minimum)	Grab
1,4 Dichlorobenzene	0.01	0.020	0.25	2/Month (minimum)	Grab
Chrysene	<0.0025	<0.0025	<0.0025	2/Month (minimum)	Grab
1,4 Dioxane**	Monitor	Monitor	Monitor	2/Month (minimum)	Grab
MTBE	0.02	0.04	0.05	2/Month (minimum)	Grab
Average discharge rate	0.4 Million	Gallons	Per Day	continuous discharge with flow meter	monitoring

\*WQBELs BELOW QUANTITATION LIMITS:

A. The parameter(s) listed below are subject to water quality-based effluent limits (WQBELs) in Part A of this permit that are necessary to comply with State water quality standards, but may be less than quantitation limits (QLs), as defined in 25 Pa. Code § 252.1, that are generally achievable by conventional analytical technology. The permittee shall analyze the parameter(s) using methods that will achieve the QL(s) as listed below. For the purpose of compliance, a statistical value reported on the DMR that is less than the QL(s) (i.e., “non-detect”) will be considered to be in compliance.

<i>Parameter Name</i>	<i>Quantitation Limit (mg/l)</i>
Dieldrin	0.00005
Pentachlorophenol	0.010

B. The permittee shall, where determined to be feasible by the permittee, achieve a QL less than the QL identified above to improve the level of confidence that State water quality standards are being met in the receiving waters.

C. The permittee shall manage non-detect values and report statistical results to DEP in accordance with published DMR guidance (3800-BK-DEP3047 and 3800-FS-DEP4262). Where a mixed data set exists containing non-detect results and “detected” values (i.e., results greater than or equal to the QL), the QL shall be used for non-detect results to compute average statistical results.

\*\* The effluent limits will be included once a limit is developed by the Department.

*Outfalls 002 and 003*—E & S (Erosion and Sediment Control Facilities)

<i>Discharge Limitations (in mg/l)</i>			<i>Monitoring Requirements</i>		
<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>
Total Suspended Solids	35.0	70.0	90.0	Monthly	Grab
pH		6—9 at all the time		Monthly	Grab

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

The outfalls listed below discharge to Swamp Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D. surface & groundwater
002	No	E&S
003	No	E&S

**NPDES Permit No. PA0593206 on Surface Mining Permit No. 7373SM3. Lehigh Asphalt Paving & Construction Co.,** (P.O. Box 549, Tamaqua, PA 18252), renewal of an NPDES Permit for a sand and gravel quarry operation in East Penn Township, **Carbon County**, affecting 203.6 acres. Receiving stream: unnamed tributary to Lizard Creek, classified for the following uses: trout stock and migratory fishes. Application received: May 24, 2017.

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 outfalls listed below discharge to unnamed tributary to Lizard Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater Sedimentation Pond
002	No	Stormwater Sedimentation Pond

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>
Discharge (MGD) 001		0.05	1.0	
Discharge (MGD) 002		0.231	0.465	
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 approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-538. Borough of Ridley Park,** 105 E. Ward Street, Ridley Park, PA 19078, Borough of Ridley Park, **Delaware County**, ACOE Philadelphia District.

To construct and maintain about 110-long by 4-foot wide sidewalk in the floodplain along north side, and about 500 feet long by 5-foot wide walkway in the floodway/floodplain along south side situated along the Little Crum Creek (WWF, MF) associated with the pedestrian improvements in the Borough. The project also includes about 110-feet eroded streambank stabilization near the culvert approved per GP112314311.

The site is located about 1,000 feet southeast from intersection of Haverford Road and Arlington Avenue (Lansdowne, PA USGS Quadrangle, Latitude: 39.877496; Longitude: -75.333427).

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

**E40-797. Villas at Waterwood, LLC,** ATTN: Matthew DePrimo, 400 Third Avenue, Kingston, PA 18704, in

Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 1,750 sq. ft. pile-supported dock/boathouse within the basin of Harveys Lake (HQ-CWF). The project is located at Pole 147 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41°22' 26"; Longitude: -76°2'38").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-969: Conoy Township**, 211 Falmouth Road, Bainbridge, PA 17502 in Conoy Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to install and maintain a 60 foot long, 10 foot wide, wood and steel bridge over Snitz Creek (WWF, MF) (Latitude: 40°06' 43.4", Longitude: -76°41'36.5"). The structure is a part of the Northwest Lancaster County River Trail. No wetlands will be impacted by this project.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**EA14-012: U.S. Fish and Wildlife Service, State College, PA** in Ferguson Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Pine Grove Mills Quadrangle; Latitude 40° 43' 44" N; 77° 54' 9" W).

The applicant proposes to recreate approximately 1,300 linear feet of an unnamed tributary of Beaver Branch (HQ-CWF) to a more stable and natural alignment starting at Wyoming Avenue in Pennsylvania Furnace continuing downstream through a combination of streambank grading, channel realignment, log vanes and channel block installation, sinkhole repair, floodway restoration, road crossing improvement, and riparian buffer establishment.

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

**E10-510, PADOT Engineering District 10-0**, 2550 Oakland Ave., Indiana, PA 15701. SR 0228 and Pittsburgh Street Intersection Improvement, in Mars Borough and Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 27.6"; W: 80°, 01', 04.8").

The proposed SR 0228 and Pittsburgh Street Intersection Improvement Project is located in Mars Borough and Adams Township, Butler County. The project study limits on SR 0228 extend from the intersection to the west approximately 2,000-feet and approximately 1,150-feet to the east. The project study limits extend to the north along SR 3019 (Pittsburgh Street) approximately 650-feet and to the south along SR 3019 (Warrendale Road) approximately 660-feet. The project is located within the UNT to Breakneck Creek watershed. The primary purpose of the project is to widen SR 0228 to relieve traffic congestion and improve safety at the intersection. As part of this project, the following environmental impacts will occur:

1. An existing 56-ft long reinforced concrete arch culvert will be removed and replaced with a 128-ft long precast concrete box culvert to accommodate roadway widening along SR 0228. The existing culvert carries a stream identified as STR-1 under SR 0228. The culvert is located on SR 0228 approximately 125-ft east of the

intersection with SR 3019. The proposed temporary stream impacts for this portion are 58-ft, while permanent stream impacts are 159-ft. As a result of roadway widening, a permanent wetland impact of 0.058-ac to PEM wetlands will result in a total loss of Wetland W-90B.

2. On SR 3019, approximately 245-ft to the north of the SR 0228/SR 3019 intersection, an existing culvert carrying a stream identified as UNT-1 will be extended and the channel regraded. This activity will result in 31-ft of temporary stream impacts and 113-ft of permanent stream impacts to Stream UNT-1. No wetland impacts are proposed at this location.

3. On SR 3019, approximately 630-ft to the south of the SR 0228/ SR 3019 intersection, an existing culvert carrying a stream identified as UNT-3 will be extended. This activity will result in a permanent stream impact of 33-ft. No wetland impacts are proposed at this location.

4. On SR 0228, approximately 1,685-ft west of the SR 0228/SR 3019 intersection, an existing culvert will be extended. This activity will result in 38-ft of temporary stream impacts and 20-ft of permanent stream impacts to a stream identified as EPH-2 on the south side of SR 0228. To the north side of SR 0228, the culvert will also be extended, which results in 75-ft of permanent stream impacts to stream UNT-2 and 0.019-ac of permanent wetland impacts to PEM wetland W-82A.

5. On SR 0228, approximately 1,150-ft west of the SR 0228/SR 3019 intersection, an existing culvert carrying a stream identified as EPH-1 will be extended. This activity will result in 20-ft of temporary stream impacts and 116-ft of permanent stream impacts. No wetland impacts are proposed at this location.

The project will result in 0.077 acre of permanent wetland impacts to two separate PEM wetlands. The applicant proposes to debit 0.077 acre of PEM wetland from the applicant's Butler County Wetland Bank.

**E10-511, BDNPL Real Estate LLC**, North Park Lounge, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 42', 57.69"; W: 80°, 6', 10.20").

To construct and maintain a vehicular bridge, 2 pedestrian bridges, an aerial utility crossing, and a culvert across two unnamed tributaries to Brush creek; to construct and maintain a deck, a patio, and a volleyball court in the floodways; and to perform grading within the floodways.

**EA24-055, Jay Township**, 81 East Teaberry Street, Weedville, PA 15868. Brown's Run Stream Re-establishment, in Jay Township, **Elk County**, ACOE Baltimore District (Weedville, PA Quadrangle N: 41°, 16', 30"; W: 78°, 29', 44").

Applicant is requesting waiver of Chapter 105 permit requirements under 105.12(a)(16) for the restoration of a section of Brown's Run along Plum Street in Weedville. The proposed work includes the removal of 2 areas of fill material to restore flow to the original channel of the stream, placement of a log/rock deflector to direct base flow to the historic channel, and installation of an at-grade walking trail along the stream.

**E10-512, PennDOT Engineering District 10-0**, 2550 Oakland Ave., Indiana, PA 15701. SR 4012, Section 251, Segment 0030, Offset 0538 Bridge Replacement in Mercer and Marion Townships, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 41°, 06', 18"; W: 79°, 58', 55").



The applicant proposes to replace an existing structurally deficient bridge with a new bridge on the existing alignment over McMurray Run (CWF). The project includes minor approach work to widen the existing travel lanes on the bridge approaches to meet current design criteria. The approach work will require the replacement of three existing culverts and the relocation of approximately 135-feet of Stream UNT 2. The project will result in 308 linear feet of permanent stream impacts and 465 linear feet of temporary stream impacts. No wetland impacts are proposed.

*Northwest Region: District Oil and Gas Office, 230 Chestnut Street, Meadville, PA 16335, Craig Lobins 814.332.6855.*

**E16-08-003, Laurel Mountain Productions, LLC, 61 McMurray Rd. Suite 300, Pittsburgh, PA 15241. Alle-**

gheny River Water Withdrawal Pad, **Clarion County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 41°, 3', 40"; W: -79°, 39', 29").

To construct and maintain an approximate 0.08-acre gravel pad and access road within the floodway of the Allegheny River (WWF) to provide a staging location for pumping units and access to the river. The applicant also proposes to construct a permanent 50 foot long prefabricated bridge and aerial waterline over a UNT to the Allegheny River (WWF) that has a total of 0.012 acre of permanent impact to the floodway.

For more detailed information regarding the Clarion County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Craig Lobins at 814.332.6855 to request a file review.

## 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**

*Northeast Regional Office: 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>
PA0041424 (Sewage)	Bushkill Inn and Conference Center 1 Bushkill Falls Road Bushkill, PA 18324	Pike County Lehman Township	UNT Little Bush Kill (01D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0034886 IW	St Products LLC 200 Oliphant Drive Duncansville, PA 16635	Allegheny Township Blair County	Beaverdam Branch (11A)	Y
PA0247740 SEW	Big Spring Fish & Game 844 Big Spring Road Newville, PA 17241-9105	North Newton Township Cumberland County	Conodoguinet Creek in (7-B)	Y
PA0266493 SEW	Daniel Dryja Residence 124 Rattlesnake Hill Road Boyetown, PA 19512	Douglass Township Berks County	UNT to Schuylkill River in (3-D)	Y
PA0021539 SEW	Williamsburg Municipal Authority 305 E 2nd Street Williamsburg, PA 16693	Williamsburg Borough Blair County	Frankstown Branch Juniata River in (11-A)	N
PA0028347 SEW	Martinsburg Borough Municipal Authority 110 S Walnut Street Martinsburg, PA 16662-1142	Martinsburg Borough Blair County	Plum Creek in (11-A)	N

*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>
PA0029831 (Sewage)	Sullivan County School District Treatment Plant PO Box 240 Laporte, PA 18626-0240	Sullivan County Laporte Borough	Unnamed Tributary to Mill Creek (10-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0095010 (Industrial)	Riverside WTP PO Box 1407 640 Franklin Street Johnstown, PA 15907-1407	Cambria County Stonycreek Township	Bens Creek (18-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0023591 (Sewage)	Washington Township STP PO Box 124 Fryburg, PA 16326	Clarion County Washington Township	Unnamed Tributary to East Sandy Creek (16-G)	Yes
PA0021521 (Sewage)	Smethport Borough Authority STP 201 W Water Street Smethport, PA 16749	McKean County Smethport Borough	Potato Creek (16-C)	Yes
PA0263885 (Sewage)	Cherrie & Thomas Pepper SRSTP 4162 State Route 488 Portersville, PA 16051	Lawrence County Perry Township	Unnamed Tributary to Camp Run (20-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0039233 (Sewage)	Rhodes Country Court PO Box 397 Reno, PA 16343-0397	Venango County Cranberry Township	Unnamed Tributary to Sage Run (16-E)	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. PA0110663**, Sewage, **Cresson Borough Municipal Authority**, 631 Second Street, Cresson, PA 16630.

This existing facility is located in Cresson Borough, **Cambria County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0020401**, Sewage, SIC Code 4952, **Johnsonburg Borough Municipal Authority Elk County**, 434 Center Street, Johnsonburg, PA 15845-1305.

This existing facility is located in Johnsonburg Borough, **Elk County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

**NPDES Permit No. PA0265004**, Sewage, SIC Code 8800, **Heather Credit**, 3742 Philip Island Road, West Sacramento, CA 95691.

This proposed facility is located in Clarion Township, **Clarion County**.

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

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

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

**WQM Permit No. 3516405**, Sewage, **Scranton City Sewer Authority Lackawanna County**, 312 Adams Avenue, Scranton, PA 18503.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity:

A phase of an EPA-issued Consent Order. Project is an upgrade to an existing pump station that will include construction of a new below-grade pump station chamber structure adjacent to the existing pump station (to be demolished), in order to provide additional pumping capacity and reduce CSO overflows from the existing wet well and into Roaring Brook.

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

**WQM Permit No. 3117201**, CAFO, **Wingert Farms CAFO**, 5497 Shade Lane, Alexandria, PA 16611.

This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity:

New Manure Storage Facilities including:

- Pond Cell 1 (120' × 245' × 16') with a capacity of 1,186,637 gallons at a 2-ft freeboard
- Pond Cell 2 (330' × 245' × 17') with a capacity of 5,788,086 gallons at a 2-ft freeboard

A total capacity of Pond Cells 1 and 2 will be 6,974,723 at a 2-ft freeboard and the usable capacity of Pond Cells 1 and 2 will be 6,590,457 gallons considering a 25-year/24-hour storm volume of 384,266 gallons (at 4.61 inches of rainfall).

New Manure Handling Facilities including:

- 12' × 200' concrete sand settling lane
- 75" × 200' concrete sand stacking pad
- Two (2) 18' × 200' × 10' concrete manure solids settling cells

Other appurtenances (i.e., leak detection systems, pump, conveyance system, fences, etc.).

**WQM Permit No. 0617404**, Sewerage, **Dryja Residence**, 124 Rattlesnake Hill Road, Boyertown, PA 19512.

This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity:

This permit approves the construction and operation of sewage facilities consisting of:

- One 1,000-gallon primary septic tank with a Biotube effluent filter at outlet
- One 1,000-gallon FRP recirculating tank with antibuoyancy beams, textile filter pod & recirculating pump

- (Orenco AdvanTex AX20-RTUV)
- Discharge pump
- UV disinfection system
- Pumped discharge through 2" Φ PVC pipe to on-site swale
- Alarms for lamp failure and high wastewater levels

Sewage Planning Approval: A3-06930-118-3S

**WQM Permit No. 3817201**, Sewerage, **Keystone Protein Fredericksburg**, 154 W. Main Street, Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of sewage facilities consisting of:

- A new effluent pump station with 5 pumps each with capacity of 1,200 gpm @ 88.5' TDH.
- 11,970' long and a 18" diameter schedule 80 PVC pipe force main with air release valves, clean outs and control system.
- A back-up generator with Automatic Transfer Switch.

**WQM Permit No. 1516202**, CAFO, **AR Joy Farms LLC**, 1600 Althouse Road, Cochranville, PA 19330.

This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity:

This permit approves the operation of manure storage facilities consisting of:

A 260' × 140' × 16' deep double lined storage pond to be constructed off the western side of the existing freestall barns installed to NRCS specifications. The second facility will consist of a new concrete DVO, Inc. "mixed plug-flow" anaerobic manure digester system to be constructed off the north westerly end of the existing freestall barns. The system will include a 94' × 73'-10" × 16' deep concrete digester tank along with a double lined effluent 3-chamber mixing reception pit. Also as part of this system will be a solids separator. The solids from the separator will be stored in a compost shed for reuse as a bedding material with the liquid being gravity fed to the new storage pond. The new digester will be utilized to process the manure along with solid and liquid food wastes trucked in to the site.

**WQM Permit No. 0116202**, CAFO, **Hillendale Lake Meade Layer CAFO**, 3910 Oxford Road, Gettysburg, PA 17325.

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

Description of Proposed Action/Activity:

This permit approves the operation of manure storage facilities consisting of:

This permit approves the construction of manure storage facilities consisting of:

The proposed poultry layer operation is proposing six new 75' × 446' layer barns to house 1,500,000 birds, an 80' × 240' manure storage facility and a 130' × 185' × 12' egg washwater pond that can hold 1.1 million gallons of washwater. The washwater pond will be used for storage of approximately 4,000 gallons a day of egg packaging washwater. The washwater pond will use an HDPE liner over a compacted sub-base. A leak detection pipe will be installed at the low point of the storage facility below the HDPE layer. The leak detection pipe will drain into a proposed observation well. A separate perimeter drain will be used to control groundwater around and below the proposed pond.

**WQM Permit No. 3616205**, CAFO, **Clark Crest Dairy**, 754 Solanco Road, Quarryville, PA 17566.

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

Description of Proposed Action/Activity:

This permit approves the construction/operation of manure storage facilities consisting of:

- A 385' × 200' × 14' manure storage pond with a capacity of 5,352,033 gallons, considering the 25-year/24-hour storm volume of 410,017 gallons (at 5.63 inches of rainfall), this proposed manure storage facility will have an usable capacity of 4,942,016 gallons.
- Leak detection system/sub-surface drain.
- Manure collection channels and conveyance systems.
- Other appurtenances.

**WQM Permit No. 3617403**, SEW, **Terre Hill STP**, 300 Broad Street, PO Box 250, Terre Hill, PA 17581-0250.

This proposed facility is located in Terre Hill Borough, **Lancaster County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

- A new sodium bisulfite feed system, to dechlorinate the effluent at the existing Terre Hill Borough wastewater treatment plant.

**WQM Permit No. 3617403**, SEW, **Hampden Greene Sewer System**, 225 North Presidential Boulevard, Bala Cynwyd, PA 19004.

This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of sewage facilities consisting of:

Construction of new gravity with 8" diameter SDR-35 PVC pipe, low pressure sewer 1.25" to 2" diameter SDR -11 HDPE, eight (8) pump stations with duplex and simplex grinder pumps (E/One Model DH272 and E/One Model DH071, or equivalent) of 7.6 to 14.6 GPM, 1 HP and 0 to 185' total dynamic head, and connection with Hampden Township Sewer Authority's existing gravity sewer.

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

**WQM Permit No. 1015406 A-1**, Sewage, **Summit School Inc.**, PO Box 13, Herman, PA 16039-0013.

This existing facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: Addition of a dechlorination feed equipment and appurtences.

**WQM Permit No. 361S18 A-1**, Sewage, SIC Code 8211, **Commodore Perry School District**, 3002 Perry Highway, Hadley, PA 16130-2628.

This existing facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: Installation of tablet chlorination system.

**WQM Permit No. 1617402**, Sewage, **Heather Cradit**, 3741 Philip Island Road, West Sacramento, CA 95691.

This proposed facility is located in Clarion Township, **Clarion County**.

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

**WQM Permit No. 2503414 A-2**, Sewage, **David J Tomczak**, 9485 Old Waterford Road, Erie, PA 16509-5659.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Amendment to use subsurface sand filters.

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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>
PAD150037	Tattersall Development Company 1522 Tattersall Way West Chester, PA 19382	Chester	West Bradford Township	Broad Run EV-MF
PAI015114016-3B	VTR LS Development, LLC 3535 Market Street Suite 1230 Philadelphia, PA 19104	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF
PAD150012	SHI-III Atwater Reit, LLC 1489 Baltimore Pike Suite 240 Springfield, PA 19064	Chester	Tredyffrin Township	Valley Creek EV-MF
PAD150014	Prevail Property Holding, LLC 1101 Ridge Road Pottstown, PA 19465	Chester	South Coventry Township	Unnamed Tributary to French Creek EV
PAI015114011-7	L/S Three Crescent, LP 1628 John F. Kennedy Boulevard Suite 1100 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF

*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>
PAD390025	Lockard Ires, LLC 4501 Prairie Parkway Cedar Falls, IA 50613	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)



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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD630006	Summerbrooke, LLC 204 Commerce Boulevard Lawrence, PA 15212	Washington County	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAD650002	Dominion Transmission, Inc. 5000 Dominion Boulevard Glen Allen, VA 23060	Westmoreland County	Salem Township	UNT to Beaver Run (HQ-CWF)
PAI051115005	Gap Vax, Inc. 575 Central Avenue Johnstown, PA 15902-2600	Cambria County	City of Johnstown	Stonycreek River (WWF)
PAI056316004	Peters Township Sanitary Authority 111 Bell Drive McMurray, PA 15317	Washington County	Peters Township	Little Chartiers Creek (HQ-WWF)

#### **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### *General Permit Type—PAG-02*

*Waterways & Wetlands Program 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>
Thornbury Township Chester County	PAC150016	Megill Homes 330 Kennett Pike Suite 207 Chadds Ford, PA 19317	East Branch of Chester Creek TSF-MF Waln Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAC150018	Brandywine Holdings, LP 1200 South Church Street Suite 4 Mt. Laurel, NJ 08054	Beaver Creek CWF-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>
West Bradford Township Chester County	PAC150019	Diamant Building Corp. 144 Byers Road P.O. Box 471 Uwchland, PA 19480	Unnamed Tributary to East Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAC150022	TI Hillendale, LP 337 Barn Hill Road West Chester, PA 19382	Unnamed Tributary to West Branch of Red Clay TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Sadsbury and Highland Townships Chester County	ESG 00 029 17 0002	Eastern Shore Natural Gas Company 1110 Forrest Avenue Suite 201 Dover, DE 19904-2788	Octoraro/Big Elk Creek HQ-EV-TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
		Morris & Ritchie Associates, Inc. 18 Boulden Circle Suite 36 New Castle, DE 19720-3494		
Lower Merion Township Montgomery County	PAC460073	Nolen Properties, LLC 116 Fountain Street Philadelphia, PA 19127-2024	Unnamed Tributary to Lower Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Moreland Township Montgomery County	PAC460048	George Kavtarian 70 Bellwood Drive Langhorne, PA 19053	Huntington Valley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAC460081	Arborcrest Woodlands LLC One Market Plaza Spear Tower Suite 4125 San Francisco, CA 94105	Stoney Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAC460091	Lower Salford Township 379 Main Street Harleysville, PA 19438	Unnamed Tributary Indian Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAC460064	Austin Meehan 336 Skippack Pike Fort Washington, PA 19034	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460074	Horsham Water & Sewer Authority 617 Horsham Road Horsham, PA 19044	Park Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAC460023	SRQ Propco LLC c/o Atria Senior Living Inc. 300 Market Street Louisville, KY 40202	Unnamed Tributary to Wissahickon TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkiomen Township Montgomery County	PAC460078	S S Real Estate III, LLC 105 G P Clement Drive Collegeville, PA 19426	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAC460053	Frederick C. Tecce 1025 Sentry Lane Gladwyne, PA 19035	Unnamed Tributary to Wissahickon Creek TSF	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>
Upper Merion Township Montgomery County	PAC460066	Upper Merion Area School District 435 Crossfield Road King of Prussian, PA 19406	Matsunk Creek and Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460063	Main Line Hospital Inc. 240 North Radnor Chester Road Suite 270 Randor, PA 19087	East Branch of Indian Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460101	West Gate Realty Partners, LP 636 Old York Road 2nd Floor Jenkintown, PA 19046	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG02004614058(1)	S H R Harleysville LP 527 Main Street Harleysville, PA 19438	Tributaries of the Skippack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAC460057	School District of Springfield Township 1801 East Paper Mill Road Wyndmoore, PA 19038	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460008	Hallmark Building Group Inc. 865 Easton Road Suite 250 Warrington, PA 18976	Unnamed Tributary to Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG02004616068	Horsham-Blair LP 329 South Main Street Suite B Doylestown, PA 18901	Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAC460050	Vicque Rondeau 2560 Crestline Drive Lansdale, PA 19446	Unnamed Tributary to Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAC460036	Upper Dublin Township 801 Loch Ash Avenue Fort Washington, PA 19034	Rapp Run and Pine Run Creeks TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAC230018	Notre Dame de Namur, Inc. 560 Sproul Road Villanova, PA 19085	Miles Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tinicum Township Delaware County	PAC230025	United Parcel Service 1 Hog Island Road Philadelphia, PA 19153	Delaware 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>
Whitehall Township & City of Allentown Lehigh County	PAC390016	Edward Hozza Whitehall Township 3219 MacArthur Rd Whitehall, PA 18052	Jordan Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Bethlehem  
Township  
Northampton  
County

PAC480013

Lou Pektor  
Ashley Development  
Corporation  
559 Main St  
Bethlehem, PA 18018

UNT to Lehigh River  
(CF, MF)

Northampton County  
Conservation District  
610-746-1971

Wayne Township,  
North Manheim  
Township &  
Cressona Borough  
Schuylkill County

PAC540010

PPL Electric Utilities  
Corporation  
Attn: Colleen Kester  
2 North 9th St  
GENN 4  
Allentown, PA 18101

Beaver Creek  
(CWF, MF)  
Schuylkill River  
(CWF, MF)  
West Branch  
Schuylkill River  
(CWF, MF)

Schuylkill County  
Conservation District  
570-622-3742

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Cumberland  
Township  
Adams County  
Issued

PAC010019

Richard Klein  
RAK-BLK Limited  
Partnership  
Links Development Group  
601 Mason Dixon Road  
Gettysburg, PA 17325

Rock Creek  
(WWF)

Adams County  
Conservation District  
670 Old Harrisburg Road  
Suite 201  
Gettysburg, PA 17325  
717.334.0636

Perry Township  
Windsor Township  
Issued

PAC060069

David King  
King's Real Estate Group  
A, LLC  
16515 Pottsville Pike  
Hamburg, PA 19526

UNT Schuylkill  
River  
(WWF)  
UNT Pigeon Creek  
(WWF)

Berks County  
Conservation District  
1238 County Welfare Road  
Suite 200  
Leesport, PA 19533  
610.372.4657

Guilford Township  
Franklin County  
Issued

PAC280030

Homestead Phase 2R & 4  
Dennis Zimmerman  
White Rock LLC  
3720 Club House Drive  
Fayetteville, PA 17222

UNT Conococheague  
(CWF, MF)

Franklin County  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17202  
717.264.5499

Greene Township  
Borough of  
Chambersburg  
Franklin County  
Issued

PAC280028

Fifth Avenue Extension  
Greg Lambert  
Greene Township  
PO Box 215  
Scotland, PA 17254

UNT Falling Springs  
(TSF)

Franklin County  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17202  
717.264.5499

Southampton  
Township  
Franklin County  
Issued

PAC280027

Zimmerman Poultry  
Wesley Zimmerman  
10867 Spring Ridge Road  
Shippensburg, PA 17257

UNT Muddy Run  
(WWF)

Franklin County  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17202  
717.264.5499

Manor Township  
Lancaster County  
Issued

PAC360085

Lancaster County Solid  
Waste Management  
1299 Harrisburg Pike  
PO Box 4425  
Lancaster, PA 17604

Mann's Run  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Rapho Township  
Lancaster County  
Issued

PAC360112

Mark Martin  
1635 Greystone Road  
Manheim, PA 17545

Little Chiques Creek  
(TSF, MF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

York Township  
York County  
Issued

PAC670049

Darryl Smuck II &  
Michelle Medina Winslow  
423 Sarah Woods Drive  
Red Lion, PA 17356

UNT to Barshinger  
Creek  
(CWF)

York County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430



*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*City of York  
York County  
Issued

PAC670045

York Building Products  
Company, Inc.  
Jim Gawthrop  
950 Smile Way  
York, PA 17404Codorus Creek  
(WWF, MF)York County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430Stewartstown  
Borough  
York County  
Issued

PAC670017

Fox Clearing LLC  
Greg Hill  
217 Granite Run Drive  
Suite 100  
Lancaster, PA 17601UNT to Ebaughs  
Creek  
(CWF)York County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430Fairview Township  
York County  
Issued

PAC670054

Briarcliff Phase III, LLC  
Jonathan Juffe  
200 Bailey Drive  
Suite 202  
Stewartstown, PA 17363UNT to Fishing  
Creek  
(TSF)York County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430Hopewell Township  
York County  
Issued

PAC670012

Byron & Brenda  
Grossman  
70 High Street  
Stewartstown, PA 17363UNT to Ebaughs  
Creek  
(CWF)York County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Troy Boro,  
Bradford Cnty

PAC080006

Traci Gilliland  
Troy Area School District  
68 Fenner Avenue  
Troy, PA 16947

Sugar Creek TSF

Bradford County  
Conservation District  
Stoll Natural Resource Ctr  
200 Lake Rd  
Ste E  
Towanda, PA 18848  
(570) 265-5539 x6Decatur Twp,  
Clearfield Cnty

PAC170009

Noel Meyers  
Gearharville Free  
Methodist Church  
344 Blue Spruce Rd  
Philipsburg, PA 16866  
And  
Eric Payer  
M3 Development Group  
31 South Main St  
Columbiana, OH 44408UNT Moshannon  
Creek CWFClearfield County  
Conservation District  
511 Spruce St  
Ste 6  
Clearfield, PA 16830  
(814) 765-2629Borough of  
Riverside,  
Northumberland  
Cnty

PAC490015

UGI Riverside Gas Main  
Phase 3  
Various Streets  
Riverside, PA 17868Susquehanna  
River—CWF, MF)Northumberland County  
Conservation District  
441 Plum Creek Rd  
Sunbury, PA 17801  
(570) 286-7114 ext. 4Shamokin Twp,  
Northumberland  
Cnty

PAC490013

R&F Family Proposed  
Finishing Barns  
473 Irish Valley Road  
Paxinos, PA 17860Little Shomokin  
Creek—CWF, MFNorthumberland County  
Conservation District  
441 Plum Creek Rd  
Sunbury, PA 17801  
(570) 286-7114 ext. 4Adams Twp,  
Snyder Cnty

PAC550004

Melissa Walter  
767 Sawmill Road  
Beavertown, PA 17813UNT to N. Branch  
Middlecreek—CWFSnyder County  
Conservation District  
403 W Market St  
Middleburg, PA 17842  
(570) 837-3000 x110

<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>
Union Twp, Union Cnty	PAC600009	Daryl Youst 464 Kratzerville Road Winfield, PA 17889	Winfield Creek— WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Beaver Borough, Wayne Township, Lawrence County	PAC370013	Pennsylvania American Water David Kaufman 800 W. Hershey Park Drive Hershey, PA 17033	Beaver River WWF, Conoquenessing Creek WWF, UNT to Beaver River WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

*General Permit Type—PAG-3*

<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>
Lancaster County/ Leacock Township	PAG033563	Richard Bomberger Hooper, Inc. PO Box 518 Intercourse, PA 17543	Muddy Run/ WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Donora Borough Washington County	PAG036194	Retal PA LLC 55 S Washington Street Donora, PA 15033	Monongahela River—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
McKeesport City Allegheny County	PAG036148	CSX Transportation, Inc. 500 Water Street Suite J-275 Jacksonville, FL 32202-4423	Monongahela River—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Perry Township Greene County	PAG036196	Mountain State Waste 702 N Main Avenue Weston, WV 26452	Unnamed Tributary to Dunkard Creek— 19-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
New Freedom Borough Authority Wastewater Treatment Plant 12 North Main Street Railroad, PA 17355	PAG083573	New Freedom Borough Authority 49 East High Street New Freedom, PA 17349	Same as Facility	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County/ Railroad Borough				

*Facility Location &  
County/  
Municipality*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Penn Township  
Wastewater  
Treatment Plant  
1020 Wilson Avenue  
Hanover, PA 17331

PAG083506

Penn Township Board of  
Commissioners  
20 Wayne Avenue  
Hanover, PA 17331

Same as Facility

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

York County/  
Penn Township

*General Permit Type—PAG-9*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Pike Township,  
Potter County

PAG094808

Leslie's Septic Service  
PO Box 211  
Galeton, PA 16922

Leslie's Septic  
Service  
Pike Township,  
Potter County

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101  
Williamsport, PA  
17701-6448  
570.327.3636

*General Permit Type—PAG-9 (SSN)*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

John Keith Farm  
2299 Entriiken Road  
Entriiken, PA 16638

PAG093554

Andrew Keith  
Coffee Run Septic Service  
Entriiken, PA 16638

Same as Facility

DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717-705-4707

Lincoln Township/  
Huntingdon County

*General Permit Type—PAG-12*

*Facility Location &  
Municipality*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Heidelberg  
Township,  
York County

PAG123613

Smith Station Acres LLC  
1871 Smith Station Road  
Spring Grove, PA 17362

Watershed 7-H

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

West Fallowfield  
Township,  
Chester County

PAG123835

AR Joy Farms LLC  
1600 Althouse Road  
Cochranville, PA 19330

Watershed 7-K

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Dublin Township,  
Fulton County

PAG123844

Melvin Bricker  
Fulton County Farm  
8310 Fort McCord Road  
Chambersburg, PA 17202

Watershed 13-B

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Clay Township,  
Lancaster County

PAG123850

Keith A Martin  
1111 Forest Hill Road  
Stevens, PA 17578

Watershed 7-J

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Penn Township,  
Lancaster County

PAG123806

Rohrer Farms LLC  
750 Doe Run Road  
Lititz, PA 17543

Watershed 7-J

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Derry Township,  
Mifflin County

PAG123684

Chris R Hoffman  
395 Lindsey Lane  
Lewistown, PA 17044

Watershed 12-A

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

<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>
Carroll Township, Perry County	PAG123845	Keith Musser 300 Evergreen Road New Bloomfield, PA 17068	Watershed 7-A	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Reading Township, Adams County	PAG123838	Hillandale Gettysburg LP (Hillandale Lake Meade Layer) 3910 Oxford Road Gettysburg, PA 17325	Watershed 7-F	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
East Hanover Township, Lebanon County	PAG123540	Swatara Creek Swine LLC 6 S Broad Street Suite 2 Lititz, PA 17543	Watershed 7-D	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-15*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG153503	Reading Area Water Authority 1801 Kutztown Road Reading, PA 19604	Berks	Ontelaunee Township	Maidencreek/ WWF & MF	Y
PAG153501	Lake Meade Poa, Inc. 4 Forrest Drive East Berlin, PA 17316	Adams	Reading & Latimore Townships	Mud Run/ WWF & MF	Y
PAG153502	Lake Meade Poa 1000 Heritage Drive Gettysburg, PA 17325	Adams	Mount Joy Township	Plum Run/ WWF & MF	Y

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

### NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Zugstead Farm, Inc. 558 Freed Rd. Mifflintown, PA 17059	Juniata	885.53	41,267.09	Dairy	None	Approved



<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Colton Deppen 847 Imes Road McCoysville, PA 17058	Juniata	0	672.66	Swine	NA	Approved

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, 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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 2660950, Operations Permit**, Public Water Supply.

Applicant	<b>Saddleview Water LLC</b> 301 Shore Drive Tunkhannock, PA 18657
[Borough or Township]	Tunkhannock Township
County	<b>Wyoming</b>
Type of Facility	PWS
Consulting Engineer	Mr Timothy S Gourley PE Dietz-Gourley Consulting LLC 1215 Deerfield Dr State College, PA 16803
Permit to Operate Issued	6/12/2017

**Permit No. 24300023, Operations Permit**, Public Water Supply.

Applicant	<b>Adams and Associates, Inc.</b> Keystone Job Corps Center 235 West Foothills Drive Drums, PA 18222
[Borough or Township]	Butler Township
County	<b>Luzerne</b>
Type of Facility	PWS
Consulting Engineer	NA
Permit to Operate Issued	6/14/2017

**Permit No. 4517509**, Public Water Supply.

Applicant	<b>The Shepherds in Monroe County, Inc.</b> One Trinity Drive East, Suite 201 Dillsburg, PA 17019
Municipality	Barrett Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	Russell D. Scott IV, P.E. RKR Hess, A Division of UTRS, Inc. 112 North Courtland Street East Stroudsburg, PA 18301
Permit to Construct Issued	June 26, 2017

**Permit No. 3517501MA**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 1775 North Main St. Honesdale, PA 18431
[Borough or Township]	Thornhurst Township
County	<b>Lackawanna</b>
Type of Facility	PWS
Consulting Engineer	Steven E. Riley, PE Entech Engineering, Inc. 201 Penn St. Reading, PA 19603
Permit to Construct Issued	6/19/2017

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

**Permit No. 1117503**, Public Water Supply.

Applicant	<b>Municipal Authority of the Borough of Portage</b> 606 Cambria Street Portage, PA 15946
[Borough or Township]	Portage Township

County **Cambria**  
 Type of Facility Zinc orthophosphate addition at Bens Creek Water Treatment Plant  
 Consulting Engineer The EADS Group, Inc.  
 227 Franklin Street  
 Suite 300  
 Johnstown, PA 15901  
 Permit to Construct June 20, 2017  
 Issued

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID # 5030008) Kittanning Borough and Rayburn Township, **Armstrong County** on June 20, 2017 under Operation Permit # 0317504 for partial facilities approved under Construction Permit # 0316503.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID # 5030008) Kittanning Borough and Rayburn Township, **Armstrong County** on June 20, 2017 under Operation Permit # 0317505 for partial facilities approved under Construction Permit # 0316503.

**Operations Permit** issued to: **Southwestern Cambria County Water Authority**, 79 Vogel Street, Johnstown, PA 15902, (PWSID # 4110041) Conemaugh Township, **Cambria County** on June 29, 2017 for the operation facilities approved under Construction Permit # 1113505MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID # 5650032) Kiskiminetas Township, **Westmoreland County** on June 27, 2017 for the operation facilities approved under Construction Permit # 6513510.

**Operations Permit** issued to: **Wilksburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, (PWSID # 5020056) Penn Hills Township, **Allegheny County** on June 22, 2017 for the operation facilities approved under Construction Permit # 0216525.

**Operations Permit** issued to: **Wilksburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, (PWSID # 5020056) North Huntingdon Township, **Allegheny County** on June 22, 2017 for the operation facilities approved under Construction Permit # 0216534.

**Operations Permit** issued to: **Wilksburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, (PWSID # 5020056) Pitcairn Borough, **Allegheny County** on June 22, 2017 for the operation facilities approved under Construction Permit # 0216535.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID # 5320041) Montgomery Township, **Indiana County** on June 30, 2017 for the operation facilities approved under Construction Permit # 3217524MA.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID # 5320042) Cherry Hill, **Indiana County** on June 30, 2017 for the operation facilities approved under Construction Permit # 3216502MA.

**Permit No. 0317501MA, Minor Amendment.** Public Water Supply.

Applicant **Ford City Borough**  
 1000 4th Avenue  
 Ford City, PA 16226  
 [Borough or Township] Ford City Borough  
 County **Allegheny**  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 Latrobe, PA 15650  
 Permit to Construct June 27, 2017  
 Issued

**Permit No. 0217503MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] Union Township  
 County **Washington**  
 Type of Facility Aldrich Purification Unit 3  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct June 27, 2017  
 Issued

**Permit No. 0217505MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] City of Pittsburgh  
 County **Allegheny**  
 Type of Facility Hays Mine Backwash Clarifier 1 painting  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct June 29, 2017  
 Issued

**Permit No. 0217508MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] Union Township  
 County **Washington**  
 Type of Facility Aldrich Purification Unit 7 painting

Consulting Engineer Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct June 30, 2017  
Issued

**Permit No. 0217507MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Borough or Township] Union Township

County **Washington**

Type of Facility Finleyville Tank West painting

Consulting Engineer Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct June 30, 2017  
Issued

**Permit No. 0217504MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Aldrich Purification Unit 7 painting

Consulting Engineer Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct June 30, 2017  
Issued

**Permit No. 0217514MA, Minor Amendment.** Public Water Supply.

Applicant **Borough of Tarentum**  
318 2nd Avenue  
Tarentum, PA 15084

[Borough or Township] Tarentum Borough

County **Allegheny**

Type of Facility Water system

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

Permit to Construct June 22, 2017  
Issued

**Permit No. 1116511MA-1, Minor Amendment.** Public Water Supply.

Applicant **Greater Johnstown Water Authority**  
640 Franklin Street  
PO Box 1407  
Johnstown, PA 15901

[Borough or Township] City of Johnstown

County **Cambria**

Type of Facility Horner Street waterline project

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

Permit to Construct June 20, 2017  
Issued

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA63-1008, Water Allocations. Ellsworth Borough,** 23 Main Street, Ellsworth, PA 15331, **Washington County.** The right to purchase 283,700 gallons of water per day, peak month, from the Authority of the Borough of Charleroi.

**WA2-1012, Water Allocations. Hampton Shaler Water Authority,** 3101 McCully, Allison Park, PA 15101, **Allegheny County.** The right to withdraw 9,000,000 gallons of water per day, peak day, from wells along the Allegheny River.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

**Plan Disapprovals Under the Sewage Facilities Act (35 P.S. § 750.5)**

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Fayette Township	181 Bunkertown Rd. McAlisterville, PA 17049	Juniata

*Plan Description:* The sewage planning Component 1 (Exception) module submitted for the Fredrick E. & Danielle S. Shellenberger Subdivision, DEP Code No. A3-34903-223-1, APS Id 944607, is disapproved. The submission proposed a subdivision to create one new single family residential lot and a residual tract with an existing dwelling, with each to use individual onlot sewage disposal systems. The proposed subdivision is located on the north side of Dressler Road, west of the junction with Liberty Road. This plan is disapproved because onlot sewage disposal is proposed and lot 2 is only 1.071 acre in size. Fayette Township's Act 537 Plan Special Study approved on December 7, 2010 indicates that hydrogeologic studies are required when lots will be less than 1.8 acre in size. Also, the submission was missing the review fee, or if appropriate, the fee exemption information per section L of the module form. Considering that a hydrogeologic study is necessary, the proposal may be reconsidered using the Component 2 module forms.



## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Wawa Store No. 173**, 310 East Main Street, Borough of Collegeville, **Montgomery County**. Geoff Kristof, JK Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444 submitted a Final Report concerning remediation of site groundwater and soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Inc. Philadelphia Refinery AO1-7**, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, Tiffanie Doerr, Evergreen Resources Management Operations, 2 Right Parkway, Suite 200, Wilmington, DE 19803 on behalf of Charles Barksdale, Philadelphia Energy Solutions Refining and Marketing, LLC, 3144 Passyunk Avenue, Philadelphia, PA 19145 submitted a Remedial Investigation Report

concerning remediation of site groundwater and soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wolff Auto**, 501 East Girard Avenue, City of Philadelphia, **Philadelphia County**. Michael Napolitan, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown, Square, PA 19073 on behalf of Lou Wolff, 21 Rosewood Court, Carversville, PA 18913 submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**850 Mancill Mill Road**, 850 Mancill Road, Upper Merion Township, **Montgomery County**. Walter Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, 19406 on behalf of Annunzio Calvarese, Mancill Road Company, 50 Brandon Road, Jeffersonville, PA 19403 submitted a Cleanup Plan concerning remediation of site soil contaminated with asbestos. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**318 Boro Road**, 318 Boro Road, Upper Darby Township, **Delaware County**. Michael Napolitan, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 submitted a 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.

**21 North 3rd Street**, 21 North 3rd Street, City of Philadelphia, **Philadelphia County**. Daniel P. Claycomb, Environmental Standard, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of Thomas P. Shultz, Coventry Environmental, Inc., 13 South Main Street, Spring City, PA 19475 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.

**Menasha Corporation**, 501 East Erie Avenue, City of Philadelphia, **Philadelphia County**. Thomas A. Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Omar Whitfield, Menasha Packing Company, LLC, 601 East Erie Avenue, Philadelphia, PA 19134 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Commercial Property**, 108 South Main Street, Dublin Borough, **Bucks County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518 on behalf of Charles D. Lomax, The Lomax Companies, 200 Highpoint Drive, Suite 215, Chalfont, PA 18914 submitted a 90-day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**FBF Inc.** 1145 Industrial Boulevard, Upper Southampton Township **Bucks County**. Philip Getty, Boucher & James, Inc., 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Joe Medvic, FBF, Inc., 1145 Industrial Boulevard, Southampton, PA 18966 submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.



**Kinder Morgan Liquids Terminal, LLC**, 3300 North Delaware Avenue, City of Philadelphia, **Philadelphia County**. Greg Connell, Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Greg Rosenzweig, Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, R. J. Sherman, Kinder Morgan Liquids Terminal Road, Carteret, NJ 07008 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with inorganic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Easton Road Site**, 5707 Easton Road, Plumstead Township, **Bucks County**. Randy Shick, Sr., BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011 on behalf of Larry Harder, DCTN3 448 Plumsteadville, PA LLC, 24 Market Street, Ridgefield, PA 06877 submitted a Final Report concerning remediation of site soil contaminated with no. 2 heating fuel oil short list. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Darby Borough MGP Site**, 237/263 Mill Street, Darby Borough, **Delaware County**. Bruce Middleman, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Peter Farrand, PECO Energy, 2301 Market Street, S7-1, Philadelphia, PA 19103 submitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with VOCs and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Waterloo Gardens Property**, 200 North Whitford Road, West Whiteland Township, **Chester County**. Terrence A. O'Reilly, TriState Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Peter D'Angeli, BT Exton, LP, 200 Witmer Road, Suite 200, Horsham, PA 19044 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 Site Specific-Standard.

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

**Sunoco-Plymouth Pump Station**, 680 Huntsville Road, Jackson Township, **Luzerne County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 submitted a Final Report concerning remediation of site groundwater contaminated with Benzene, toluene, ethylbenzene, Xylenes (Total), MTBE, Cumene, and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Unison Engine Components, Inc.**, 701 Crestwood Road, Wright Township, **Luzerne County**. Amec Foster Wheeler, 751 Arbor Way, Hillcrest Building 1, Ste 180, Blue Bell, PA 19422, on behalf of General Electric Company, 640 Freedom Business Center, King of Prussia, PA 19406, submitted a Remedial Investigation and Final Reports concerning remediation of site soils and groundwater contaminated with Aroclor-1242, Aroclor-1254, Aroclor-1260, 1,2,4-Trichlorobenzene, Benzo(g,h,i)perylene, Benzo(a)pyrene, and Dibenzo(a,h)anthracene. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former Ingersoll Rand Power Tools Site**, Athens Township, **Bradford County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940, on behalf of Ingersoll Rand Company, 800 Beatty Street, Building E, Davidson, NC 28036, has submitted a Final Report concerning remediation of site soils contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Harman Trucking Release Cleanup**, South Centre Township, **Columbia County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Harman Trucking, Inc., 2330 Duband Avenue, Apt 10D, Bloomsburg, PA 17815, has 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.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**North Hills Village Mall Property**, 4801 McKnight Road, Ross Township, **Allegheny County**. American Geosciences Inc., 3925 Reed Boulevard, Murrysville, PA 15668-1848 on behalf of J.J. Gumberg Co., 1051 Brinton Road, Pittsburgh, PA 15221, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated volatile organic compounds. Public notice was printed in the *Pittsburgh Post Gazette* on June 5, 2017.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Roddy Products Packaging Company Inc.**, 3 Merion Avenue, Aldan Borough, **Delaware County**. Joseph L. Masticola, Jr. Roddy Products Packaging Company, Inc., P.O. Box 164, Aldan, PA 19018 submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 14, 2017.

**Conley Residence**, 611 Sharpless Street, West Chester Borough, **Chester County**. Mark Schaeffer, Stantec Consulting Services Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Scott Sullivan, Superior Plus Energy Services, 1870 Winton Road, Suite 200, Rochester, NY 14618 submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 07, 2017.

**Owens Residence**, 506 Cedar Hill Road, Horsham Township, **Montgomery County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518 on behalf of John Walsh, Clyde S. Walton, Inc., P.O. Box 1669, Lansdale, PA 19446 submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 2, 2017.

**Clermont Property**, 330-340 Leidy Road, 30 Cowpath Road and 329 East Township Line Road, Franconia Township, **Montgomery County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, James Sieracki, Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Blecker Acquisitions, L.P., 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan con-

cerning the remediation of site soil contaminated with arsenic. The Report was approved by the Department on June 2, 2017.

**Dublin Service Station**, 139 North Main Street, Dublin Borough, **Bucks County**. Greg Firely, Langan, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Dennis Bishop, Dublin Service Station and Garage, 139 North Main Street, Dublin, PA 18917 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with arsenic, lead, iron and no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 12, 2017.

**Argus Property Group**, 98 & 99 Church Road, East Whiteland Township, **Chester County**. Sara Szymanski, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Mike Ryan, APG The Valley, LP, 606 Gordon Drive, Exton, PA 19341, Brenda Kellogg, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Jamie Bartholomew Aller, Estate of Lydia H. Willits, et al, 145 Lucky Hill Road, West Chester, PA 19382 submitted a Final Report concerning the remediation of site groundwater contaminated with lithium, boron, bromate and bromide. The Final Report demonstrated attainment of the Background Standard, and was approved by the Department on May 17, 2017.

**10th & Vine Street Site**, 10th & Vine Street, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104-0591 on behalf of John Chin, Philadelphia Chinatown Development Corporation, 301-305 North 9th Street, Philadelphia, PA 19107 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PCE, TCE, 1,1-DCE, vinyl chloride, benzo(a)pyrene. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on May 22, 2017.

**US Steel Corporation (KIPC) 73-Arce Parcel**, One Ben Fairless Drive, Falls Township, **Bucks County**. John A. Garges, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with VOCs, SVOCs, metals and PCBs. The Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on May 26, 2017.

**Powers Residence**, 37 Mulberry Street, Upper Chichester Township, **Delaware County**. Patrick S. Crawford, P.G., Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, Thomas Ferron, Ferron Fuel Oil, Inc., 2400 Chichester Avenue, Upper Chichester, PA 19061 on behalf of Mr. and Mrs. Robert Powers, 37 Mulberry Street, Boothwyn, PA 19061, submitted a Final Report concerning the remediation of site soil contaminated with home heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 2, 2017.

**Russell Residence**, 1 Quaker Hill Road, Middletown Township, **Bucks County**. Andrew Markoski, Patrick Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglassville, PA 19518, Doug Mason, Barney Fuel Oil Inc., 424 West Lincoln Highway, Suite 201, Langhorne, PA 19047, on behalf of Christopher



Russell, 11 Quaker Hill Road, Levittown, PA 19054, 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 June 8, 2017.

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

**Unison Engine Components, Inc.**, 701 Crestwood Road, Wright Township, **Luzerne County**. Amec Foster Wheeler, 751 Arbor Way, Hillcrest Building 1, Ste 180, Blue Bell, PA 19422, on behalf of General Electric Company, 640 Freedom Business Center, King of Prussia, PA 19406, submitted a Remedial Investigation and Final Reports concerning remediation of site soils and groundwater contaminated with Aroclor-1242, Aroclor-1254, Aroclor-1260, 1,2,4-Trichlorobenzene, Benzo(g,h,i)perylene, Benzo(a)pyrene, and Dibenzo(a,h)anthracene. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Pennsylvania General Energy Company, LLC—Johnson Central Impoundment**, McHenry Township, **Lycoming County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Pennsylvania General Energy Co., LLC, 120 Market Street, Warren, PA 16365, has submitted a Final Report concerning remediation of site soils contaminated with brine. The report demonstrated attainment of the Statewide Health and Background Standards and was approved by the Department on June 20, 2017.

#### 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 Reissued*

**Beelman Truck Co.**, 1 Racehorse Dr, East St Louis, IL 62205. License No. PA-AH 0363. Effective Jun 27, 2017.

**Elliott Truck Line, Inc.**, PO Box 1, Vinita, OK 74301. License No. PA-AH 0355. Effective Jun 01, 2017.

**Interstate Ventures, Inc.**, 2553 Quality Lane, Knoxville, TN 37931. License No. PA-AH 0732. Effective Jun 21, 2017.

**Perdue Environmental Contracting Co., Inc.**, 250 Etter Drive, Nicholasville, KY 40356. License No. PA-AH 0829. Effective Jun 20, 2017.

**Quality Carriers, Inc.**, 102 Pickering Way, Exton, PA 19341. License No. PA-AH 0630. Effective Jun 28, 2017.

**Sumter Transport Company**, PO Box 1060, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective Jun 21, 2017.

#### *Hazardous Waste Transporter License Expired*

**Brenntag Northeast, Inc.**, 81 West Huller Lane, Reading, PA 19605. License No. PA-AH 0082. Effective Apr 30, 2017.

#### *New Applications Received*

**Daniels Sharpsmart, Inc.**, 111 W. Jackson Blvd., Chicago, IL 60604. License No. PA-AH 0864. Effective Jun 19, 2017.

#### *Renewal Applications Received*

**Beelman Truck Co.**, 1 Racehorse Dr, East St Louis, IL 62205. License No. PA-AH 0363. Effective Jun 26, 2017.

**Perdue Environmental Contracting Co., Inc.**, 250 Etter Drive, Nicholasville, KY 40356. License No. PA-AH 0829. Effective Jun 20, 2017.

**Quality Carriers, Inc.**, 102 Pickering Way, Suite 105, Exton, PA 19341. License No. PA-AH 0630. Effective Jun 28, 2017.

**Robbie D. Wood, Inc.**, PO Box 125, Dolomite, AL 35061. License No. PA-AH 0504. Effective Jun 26, 2017.

**Sumter Transport Company**, PO Box 1060, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective Jun 20, 2017.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

#### *Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Agape Pet Services LLC**, 19712 Shepherdstown Pike, Boonsboro, MD 21713. License No. PA-HC 0240. Effective Jun 20, 2017.

**Hamilton Pet Meadow, Inc.**, 1500 Klockner Rd, Hamilton, NJ 08619. License No. PA-HC 0227. Effective Jun 20, 2017.

#### *Regulated Medical and Chemotherapeutic Waste Transporter License Voluntarily Terminated*

**Accu Medical Waste Service, Inc.**, PO Box 797, Marietta, OH 45750. License No. PA-HC 0252. Effective Jun 20, 2017.

#### *Renewal Applications Received*

**Agape Pet Services LLC**, 19712 Shepherdstown Pike, Boonsboro, MD 21713. License No. PA-HC 0240. Effective Jun 20, 2017.

**Hamilton Pet Meadow, Inc.**, 1500 Klockner Rd, Hamilton, NJ 08619. License No. PA-HC 0227. Effective Jun 20, 2017.

#### MUNICIPAL WASTE GENERAL PERMITS

**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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM017D020. Wilson College Fulton Farm**, 1015 Philadelphia Ave., Chambersburg, PA 17201, located in Greene Township, **Franklin County**. A minor permit modification was issued under General Permit WMGM017D020 to Wilson College for the use of an in-vessel rotary composter to process food wastes into finished compost for beneficial use. This permit modification was issued on June 23, 2017.

Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

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

**General Permit Application No. WMGR081, Program I.D. WMGR081NE001, UNICOR Federal Prison Industries**, Route 81 and 901 W, Minersville, PA 17954. A General Permit Determination of Applicability (DOA) for an electronics recycling facility to be located at the Schuylkill Federal Correctional Institute located in Butler Township, **Schuylkill County**. The Regional Office approved the determination of applicability on June 20, 2017.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### 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 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. 101243. Northern Tier Solid Waste Authority**, West Burlington Township, **Bradford County**. This permit modification is for bonding landfill development of Fields 1 through Field 8, including redevelopment of Fields 1 and 3, redevelopment of Field 1 into two Phases Field 1R-A and Field 1R-B, and modification of the stormwater conveyance system for Bradford County Landfill. The permit was issued by Northcentral Regional Office on June 21, 2017.

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.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit ID No. 300729, City of Latrobe, Westmoreland County: Latrobe Specialty Metals Company**, 2626 Ligonier Street, Latrobe, PA 15650. A revised Closure Plan for changes to the Leachate Management Plan to the closed Melt Shop Residual Waste Landfill. The revised Closure Plan was issued in the Regional Office on July 3, 2017.

**Permit ID No. 301071. MAX Environmental Technologies, Inc.—Yukon Facility**, 233 MAX Lane, Yukon, PA 15698. A permit for a 10-year renewal for the operation of a residual waste landfill in South Huntingdon Township, **Westmoreland County** was issued by the Southwest Regional Office on June 27, 2017.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP3-44-05013C: Glenn O. Hawbaker, Inc.** (711 East Collage Avenue, Bellefonte, PA 16823) on June 30, 2017, for a nonmetallic mineral processing plant, consisting of 3 crushers, 4 vibratory screens, and 40 conveyors, under GP3, at the Naginey Quarry located in Armagh Township, **Mifflin County**.

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

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

**GP14-08-398: Pepper Funeral Home, Inc.** (PO Box 173, Canton, PA 17724) on June 27, 2017 to authorize the operation of a propane-fired, B&L Cremation Systems, model N-20 human crematorium pursuant to the General Plan Approval and General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their facility in Canton Township, **Bradford County**.

**GP5-17-488C: RW Gathering, LLC** (6000 Town Center Blvd, Canonsburg, PA 15317) on June 27, 2017, for the continued operation of one (1) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engine, one (1) 32 MMscf/day Valerus dehydrator unit equipped with a 1.0 MMBtu/hr reboiler burner, one (1) 12 MMscf/day Midco dehydrator unit equipped with a 0.35 MMBtu/hr reboiler burner, and two (2) 300 bbl/12,600-gallon produced water tanks pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Moshannon Compressor Station located in Cooper Township, **Clearfield County**.



**GP3-59-184: FS Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732-1232) on June 22, 2017, to operate a portable crushing operation pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the EWR Plant No. 20 facility in Lawrence Township, **Tioga County**.

**GP9-59-184: FS Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732-1232) on June 22, 2017, to operate two (2) diesel engines to power a portable crushing operation pursuant to the General Plan Approval and/or General Operating Permit for Diesel or # 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the EWR Plant # 20 facility located in Lawrence Township, **Tioga County**.

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**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.**

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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.*

**46-0061: PA Dept. of Corrections/Graterford SCI** (Route 29, Graterford, PA 19426) On June 26, 2017, for three existing emergency engines (Source Id No. 101 in current operating permit No. 46-00061) at this location in Skippack Township, **Montgomery County**. This plan approval supersedes the conditions of previously issued plan approval No. 46-329-014 for these emergency engines with conditions that are applicable to the sources that were actually installed.

**46-0230: East Norriton Plymouth Whitpain Joint Sewer Authority** (ENPWJSA, 200 Ross Street, Plymouth Meeting, PA 19462) On June 26, 2017 for the installation of a packed bed wet scrubber with mist eliminator (Control Device CD03) to reduce Hydrogen Chloride and Sulfur Dioxide emissions from the existing multiple hearth incinerator (Source ID 001) at the wastewater treatment plant located in Plymouth Township, **Montgomery County**.

**46-0013F: Clemens Food Group** (2700 Clemens Rd., Hatfield, PA 19440-0902) On June 26, 2017 for the replacement of existing control devices with a new venturi scrubber and a packed tower scrubber, as well as to permit the change of the packing material for an existing control device (packed tower scrubber-Source ID: C02) to control particulate matter and odor emissions at their meat processing facility in Hatfield Township, **Montgomery County**.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**40-00005D: UGI Development Company** (P.O. Box 224, 390 Route 11, Hunlock Creek, PA 18621) on June 29, 2017 for the modification to the operating hours of the duct burners and increases to facility emission limits to reflect the change in hours of operation of the duct burners at its facility in Hunlock Township, **Luzerne County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0230: Veterinary Crematory Services** (387 Nina Way, Warminster, PA 189974-2826) On June 22, 2017 to extend the temporary operating period for five (5) natural gas-fired animal crematories at this location in Warminster Township, **Bucks County**.

*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.*

**28-03045A: Dominion Transmission, Inc.** (5000 Dominion Blvd, Glen Allen, VA 23060) on June 28, 2017, for the installation of a new natural gas-fired gas turbine, rated at 13,220 HP, controlled by an oxygen catalyst, at the Chambersburg Compressor Station in Hamilton Township, **Franklin County**. The plan approval was extended.

**28-05051A: AJ Stove and Pellet, LLC** (PO Box 152, South Mountain, PA 17261) on June 28, 2017, for construction of a wood pellet manufacturing plant with multi-clone emission control device, in Antrim Township, **Franklin County**. The plan approval was extended.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**30-00089C: Dominion Transmission, Inc.** (5000 Dominion Blvd.—2 NW, Glen Allen, VA 23060) Extension effective June 28, 2017, to extend the period of temporary operation of the natural gas-fired compressor turbine, microturbine generators, and boiler authorized under plan approval PA-30-00089C, until December 28, 2017 at the Crayne Compressor Station located in Franklin Township, **Greene County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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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.*

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Collegeville, PA 19426) On June 27, 2017 for the issuance of an administrative amendment to change the permit contact information in this Title V facility located in Upper Providence Township, **Montgomery County**.

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

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

**V15-002: Exelon Generating Company, Southwark Station** (2501 S Delaware Ave., Philadelphia, PA 19148)

for the operation of a utility company in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) 233 MMBTU/hr combustion turbines.

The Operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Copies of all documents and information concerning this operating permit are available for review in the offices of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Edward Wiener (215-685-9426) at the above address. All written comments must be received by [30 days from publication date]. Comments received by facsimile will not be accepted.

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**Operating Permits for Non-Title V Facilities Issued 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.*

**09-00037: Westrock Packaging, Inc.** (3001 State Road, Croydon, PA 19021) On June 26, 2017 for the renewal of a State Only Operating Permit for its printing facility for flexible packaging located in Bristol Township, **Bucks County**.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**39-00083: Filmtech Corporation** (2121 31st Street SW, Allentown, PA 18103-7006) issued on 6/27/17, a State-Only Operating Permit for their unlaminate plastics film and sheet manufacturing facility located in the City of Allentown, **Lehigh County**. The sources at the facility include eight (8) film lines controlled by six (6) electrostatic precipitators. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00038: Hart Metals/Tamaqua** (PO Box 428, Tamaqua, PA 18252-0428). On June 26, 2017, the Department issued a renewal State-Only Natural Minor Permit for the manufacturing of primary metal products facility located in Tamaqua Borough, **Schuylkill County**. The main sources at this facility consists of grinding units, furnace, and saw cutting process operations. The control devices consist of cyclones. The sources are considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 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.*

**67-03163: Ecore International, Inc.** (76 Acco Drive, York, PA 17404) on June 28, 2017, for the waste tire processing facility located in York Township, **York County**.

**67-05063: York Building Products Co., Inc.** (PO Box 1708, York, PA 17405) on June 23, 2017, for the stone crushing operations at the Roosevelt Quarry located in West Manchester Township, **York County**. The State-only permit was renewed.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**25-00501: Corry Forge** (441 East Main Street, Corry, PA 16407-2013) the Department on June 28, 2017, issued a renewal-operating permit to the facility which is in Corry City, **Erie County**. The significant sources are miscellaneous natural gas combustion units, test sample cutting, billet grinding, heat treat furnaces, forge furnaces, miscellaneous storage tanks, and degreasers. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. The Potential emissions for the existing Corry Forge are: 68 TPY NO<sub>x</sub>; 57 TPY CO; 4 TPY VOC; 5 TPY PM<sub>10</sub>; 0.4 TPY SO<sub>2</sub>; and, 1.3 TPY HAPs. The facility is a natural minor. This renewal incorporates the requirements of the Area Source MACT for Nine Metal Fabrication and Finishing Source Categories (40 CFR 63, Subpart XXXXXX).

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**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.**

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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.*

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Collegeville, PA 19426) On June 27, 2017 for the issuance of an administrative amendment to change the permit contact information in this Title V facility located in Upper Providence Township, **Montgomery County**.

*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.*

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, PA 17552-9515) on June 22, 2017, for the custom metal fabrication facility located in Mount Joy Township, **Lancaster County**. The State-only permit was administratively amended in order to incorporate the provisions of Plan Approval No. 36-05092B.



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

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

**53-00005: Dominion Transmission, Inc.** (925 White Oakes Blvd, Bridgeport, WV 26330) on June 27, 2017, for the significant modification to the Title V operating permit TVOP 53-00005 for the incorporation of Reasonable Available Control Technology (RACT II) requirements pursuant to 25 Pa. Code §§ 129.96—129.100 at the Greenlick Compressor Station located in Stewardson Township, **Potter County**. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00031: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on June 23, 2017 issued a State only operating permit for their facility located in Scott Township, **Columbia County**. The revised State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## 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.*

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Buffalo, East Finley, South Franklin Townships, **Washington County** and Richhill Township **Greene County** and related NPDES Permit to revise underground and subsidence control plan acres for longwall mining. No additional discharges. The application was considered administratively complete on December 13, 2016. Application received March 14, 2016. Permit issued June 30, 2017.

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

**Permit No. 32070105. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, renewal for reclamation only of a bituminous surface mine in Washington Township, **Indiana County**, affecting 40.2 acres. Receiving stream: South Branch Plum Creek classified for the

following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 19, 2017. Permit issued: June 29, 2017.

**Permit No. 56070103 and NPDES No. PA0262366. PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal for reclamation only of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 338.3 acres. Receiving streams: unnamed tributaries to and Schrock Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2017. Permit issued: June 29, 2017.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**10920112 and NPDES Permit No. PA0211401. State Industries, Inc.** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous surface mine and associated NPDES permit in Concord Township, **Butler County**, affecting 22.6 acres. Receiving streams: Unnamed tributaries to Bear Creek. This renewal is for reclamation only. Application received: June 29, 2016. Permit Issued: June 28, 2017.

**43910102. Ambrosia Coal & Construction Company** (P.O. Box 422, Edinburg, PA 16116) Renewal of an existing bituminous surface mine in Mill Creek Township, **Mercer County**, affecting 350.0 acres. Receiving streams: Unnamed tributaries to Little Sandy Creek. This renewal is for reclamation only. Application received: April 28, 2017. Permit Issued: June 28, 2017.

**16150101 and NPDES Permit No. PA0259632. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine and associated NPDES permit in Monroe Township, **Clarion County**, affecting 167.9 acres. Receiving streams: Unnamed tributary to Craggs Run, unnamed tributaries to Licking Creek, and unnamed tributaries to Reids Run. Application received: August 28, 2015. Permit Issued: June 28, 2017.

**1475-16150101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to construct and maintain a stream crossing over unnamed tributary to Craggs Run in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributary to Craggs Run, unnamed tributaries to Licking Creek, and unnamed tributaries to Reids Run. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: August 28, 2015. Permit Issued: June 28, 2017.

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

**17910114 and NPDES PA0206628. River Hill Coal Company, Inc.** (P.O. Box 141, Kylertown, PA 16847). Permit renewal for continued passive treatment of a bituminous surface coal mine located in Karthaus Township, **Clearfield County** affecting 4.0 acres. Receiving stream(s): Unnamed Tributary to Dutch Hollow Run classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 4, 2017. Permit issued: June 26, 2017.

**17080118 and NPDES PA0257028. Waroquier Coal Company** (P.O. Box 128, Clearfield, PA 16830). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Lawrence Township, **Clearfield County** affecting 53.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 3, 2016. Permit issued: June 22, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 54743007R5 and NPDES Permit No. PA0123617. Schuylkill Reclamation Corp.**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse disposal operation and NPDES Permit for discharge of treated mine drainage in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres, receiving stream: West Creek. Application received: February 25, 2010. Renewal issued: June 23, 2017.

**Permit No. 54743007R6 and NPDES Permit No. PA0123617. Schuylkill Reclamation Corp.**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse disposal operation and NPDES Permit for discharge of treated mine drainage in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres, receiving stream: West Creek. Application received: March 9, 2015. Renewal issued: June 23, 2017.

**Permit No. 40803201R5 and NPDES Permit No. PA0595978. Reading Anthracite Co.**, (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Zerbe Township, **Northumberland County** affecting 176.0 acres, receiving stream: Zerbe Run. Application received: July 19, 2010. Renewal issued: June 23, 2017.

**Permit No. 40803201R6 and NPDES Permit No. PA0595978. Reading Anthracite Co.**, (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Zerbe Township, **Northumberland County** affecting 176.0 acres, receiving stream: Zerbe Run. Application received: May 12, 2015. Renewal issued: June 23, 2017.

**Permit No. 4803202R5. Reading Anthracite Co.**, (P.O. Box 1200, Pottsville, PA 17901), renewal for reclamation activities only of an existing anthracite coal refuse reprocessing operation in Zerbe Township, **Northumberland County** affecting 45.0 acres, receiving stream: Zerbe Run. Application received: May 2, 2010. Renewal issued: June 23, 2017.

**Permit No. 4803202R6. Reading Anthracite Co.**, (P.O. Box 1200, Pottsville, PA 17901), renewal for reclamation activities only of an existing anthracite coal refuse reprocessing operation in Zerbe Township, **Northumberland County** affecting 45.0 acres, receiving stream: Zerbe Run. Application received: May 12, 2015. Renewal issued: June 23, 2017.

**Permit No. 54840106R6. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, coal refuse reprocessing and

refuse disposal operation in West Mahanoy and Butler Townships, **Schuylkill County** affecting 447.6 acres, receiving streams: Shenandoah and Mahanoy Creek. Application received: August 21, 2014. Renewal issued: June 23, 2017.

**Permit No. PAM112032R, City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54840106 in West Mahanoy and Butler Townships, **Schuylkill County**, receiving streams: Shenandoah and Mahanoy Creeks. Application received: August 21, 2014. Renewal issued: June 23, 2017.

**Permit No. 54901302R6. Carline Coal Co., Inc.**, (P.O. Box 188, Sacramento, PA 17968), renewal for reclamation activities only of an existing anthracite underground mine operation in Hegins Township, **Schuylkill County** affecting 5.8 acres, receiving stream: West Branch Rausch Creek. Application received: February 15, 2017. Renewal issued: June 23, 2017.

**Permit No. PAM117016. Carline Coal Co., Inc.**, (P.O. Box 188, Sacramento, PA 17968), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54901302 in Hegins Township, **Schuylkill County**, receiving stream: West Branch Rausch Creek. Application received: May 3, 2017. Permit issued: June 23, 2017.

**Permit No. 19950102R4. N & L Coal Company**, (212 West Cherry Street, Mt. Carmel, PA 17851), renewal for reclamation activities only of an anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 961.3 acres, receiving stream: Shamokin Creek. Application received: March 16, 2017. Renewal issued: June 23, 2017.

**Permit No. 54713002R5 and NPDES Permit No. PA0123293. Reading Anthracite Company**, (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in New Castle Township, **Schuylkill County** affecting 218.0 acres, receiving stream: East Branch Norwegian Creek. Application received: May 20, 2010. Renewal issued: June 28, 2017.

**Permit No. 54713002R6 and NPDES Permit No. PA0123293. Reading Anthracite Company**, (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in New Castle Township, **Schuylkill County** affecting 218.0 acres, receiving stream: East Branch Norwegian Creek. Application received: March 24, 2015. Renewal issued: June 28, 2017.

**Permit No. 54860108R5. Reading Anthracite Company**, (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1,469.0 acres, receiving stream: East Branch Norwegian Creek. Application received: November 8, 2012.

#### *Noncoal Permits Issued*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**37132802. S & S Processing, Inc.** (P.O. Box 373, West Pittsburg, PA 16160). Final bond release for a small



industrial minerals surface mine in Pulaski Township, **Lawrence County**. Restoration of 5.0 acres completed. Receiving streams: An unnamed tributary to the Beaver River. Application Received: May 5, 2017. Final bond release approved: June 29, 2017.

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

**53130802. Gary L. Drabert** (77 Card Creek Road, Roulette, PA 16746). Final bond release for small industrial minerals surface mine, located in Roulette Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Card Creek. Application received on June 26, 2017. Final bond release approved: June 29, 2017.

**53020803. Randy Cornelius** (P.O. Box 127, Roulette, PA 16746). Final bond release for small industrial minerals surface mine, located in Roulette Township, **Potter County**. Restoration of 3.0 acres completed. Receiving stream(s): Unnamed Tributary to Trout Brook. Application received: April 25, 2017. Final bond release approved: June 29, 2017.

**53080801. Randy Cornelius** (P.O. Box 127, Roulette, PA 16746). Final bond release for small industrial minerals surface mine, located in Roulette Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Sartwell Creek. Application received: April 25, 2017. Final bond release approved: June 29, 2017.

**41100301 and NPDES PA0257486. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803-1649). NPDES renewal for continue operation and reclamation of a large noncoal surface mining site located in Armstrong Township, **Lycoming County** affecting 100.6 acres. Receiving stream(s): Hagerman's Run. Application received: December 2, 2016. Permit issued: June 21, 2017.

**6075SM3 and NPDES PA0069744. New Enterprise Stone & Lime Company, Inc./dba Eastern Industries, Inc.** (3724 Crescent Court West, Suite 200, Whitehall, PA 18052). NPDES renewal for continue operation and reclamation of a large noncoal surface mining site located in Union Township, **Union County** affecting 414.7 acres. Receiving stream(s): Winfield Creek. Application received: September 28, 2016. Permit issued: June 27, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 58110301. Powers Stone, Inc.**, (15324 SR 3001, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 41.47 acres, receiving streams: Nick Creek and Riley Creek. Application received: September 22, 2011. Permit issued: June 27, 2017.

**Permit No. 45152801 and NPDES Permit No. PA0225541. Elmer F. Possinger & Sons, Inc.**, (P.O. Box 520, Bartonsville, PA 18321), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Hamilton Township, **Monroe County** affecting 3.7 acres, receiving stream: McMichaels Creek. Application received: January 9, 2015. Permit issued: June 27, 2017.

## 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

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**10174001. Sippel Development Co., Inc.** (174 Tomlinson Drive, Zelienople, PA 16063) Blasting activity permit for construction blasting of Middlesex Crossing Town Center in Middlesex Township, **Butler County**. This Blasting activity permit expires July 1, 2017. Permit Issued: June 28, 2017.

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

**14174001. Allegheny Lutheran Social Ministries** (998 Logan Blvd, Altoona, PA 16602). Blasting for project Allegheny Lutheran Retirement Community in Spring Township, **Centre County**. This blasting activity permit expires on June 30, 2018. Permit issued: June 20, 2017.

**14174106. Douglas Explosives, Inc.** (2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866). Blasting for residential development in College Township, **Centre County** with an expiration date of June 1, 2018. Permit issued: June 22, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 36174124. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Sunset Ridge in Manheim Township, **Lancaster County** with an expiration date of June 15, 2018. Permit issued: June 26, 2017.

**Permit No. 36174125. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Stonehenge Reserve in Manheim Township, **Lancaster County** with an expiration date of June 16, 2018. Permit issued: June 26, 2017.

**Permit No. 36174126. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Soco Development in Earl Township, **Lancaster County** with an expiration date of April 19, 2018. Permit issued: June 26, 2017.

**Permit No. 67174109. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting at 726 South Mountain Road in Carroll Township, **York County** with an expiration date of June 12, 2018. Permit issued: June 26, 2017.

**Permit No. 06174109. Brubacher Excavating, Inc.**, (825 Reading Road, Bowmansville, PA 17507), construction blasting for Exeter Commons, in Exeter Township, **Berks County** with an expiration date of June 20, 2018. Permit issued: June 30, 2017.

**Permit No. 09174106. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Fentons Corner in Buckingham Township, **Bucks County** with an expiration date of July 1, 2018. Permit issued: June 30, 2017.

**Permit No. 40174111. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Fairmount Township shale pit in Fairmount Township, **Luzerne County** with an expiration date of Permit issued: June 30, 2017.

**Permit No. 48174106. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Lafayette College Integrated Science Center in Easton Township, **Northampton County** with an expiration date of June 15, 2018. Permit issued: June 30, 2017.

**Permit No. 48174107. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Ore Easton in Lower Nazareth Township, **Northampton County** with an expiration date of June 27, 2018. Permit issued: June 30, 2017.

**Permit No. 52174102. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Davis House Foundation in Lackawaxen Township, **Pike County** with an expiration date of June 26, 2018. Permit issued: June 30, 2017.

**Permit No. 58174115. DW Drilling & Blasting,** (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804) construction blasting for Haynes West Pad 1 in Harford Township, **Susquehanna County** with an expiration date of June 23, 2018. Permit issued: June 30, 2017.

## 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

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

**E20-603FP. Crawford County Planning Commission,** 903 Diamond Park, Meadville, PA 16435. Site restoration for demolition projects in Conneautville Borough, **Crawford County**. (Conneautville Quadrangle N: 41.756601°, W: -80.370618° and N: 41.757517°, W: -80.368595).

The Applicant proposes to demolish two blighted structures in the floodplain of Conneaut Creek, and restoring each site back to grass covered open lot.

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E09-1014. Warwick Township,** 1733 Township Greene, Warwick, PA 18929, Warwick Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a pedestrian bridge across an unnamed tributary to Little Neshaminy Creek (WWF) having an approximate waterway opening of 10 feet wide by 10 feet high and measuring approximately 35 feet in length associated with the Memorial Trail Park. Additionally, the project will place and maintain approximately 1,766 cubic yards of fill within the 100-year Floodplain and part of the Floodway of Little Neshaminy Creek (WWF). The site is located in Memorial Park (Hatboro Lat. 40° 14' 10.8"; Long. -75° 5' 37.5").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-882. East Whiteland Township,** 209 Conestoga Road, Frazer, PA 19335, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain 1,695 LF of new 8-inch sewer force main piping in conjunction with the installation of a new pump station. The new pipeline will cross Valley Creek (EV) and its Tributary (EV) at two locations. The proposed pipe will convey waste water from the new regional pump station located in Malvern, PA to an existing terminal manhole from a new development being constructed in the Township. The site is located at Planebrook Road and Phoenixville Pike in East Whiteland Township, Chester County. (Malvern, PA USGS map, Lat: 40.0404, Long: -75.5755).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).



**E09-990. Gateway to New Hope, LLC** (c/o Joseph Duffy), The River House at Odette's, New Hope, PA 18938, New Hope Borough, **Bucks County**, ACOE Philadelphia District.

To modify, and maintain the existing structure within the 100-year floodplain of the Delaware River (WWF, MF) by placing two cantilevered decks extending over the Canal associated with the River House at Odette's. The project also includes three outfall structures to the Canal and the construction and removal of the temporary land bridge.

The site is located at about 2,000 feet southeast of South Main Street (S.R. 32) and Windy Bush Road (Lambertville, PA USGS Quadrangle, Latitude 40.3536; Longitude -74.9486).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-1153. Wissahickon Valley Watershed**, 12 Morris Road, Ambler, PA 19002-5407, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To restore, construct, and maintain approximately 1,613 linear feet of the Wissahickon Creek utilizing stream bank restoration methods which include a 6-inch stream riffle structure, channel alignments, and regrading the floodplain area for the purpose of ecological up lift.

The proposed work will extend from the walking bridge of the Wissahickon Green Ribbon Trail to the existing confluence with another tributary near the intersection of Moyer Boulevard and West Point Pike. (Lansdale, PA USGS map; Latitude: 40.210982; Longitude: -75.292400).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E40-790. Anthony and Toni Madden**, 1 Downing Drive, Dallas, PA 18612. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing 667 SF dock within the basin of Harveys Lake (HQ-CWF) with work consisting of the removal of a 25 SF portion of the existing dock and the construction of a 1,700 SF expansion which includes a lake house and additional dock area. The project is located approximately at Pole 160, Lakeside Drive (Harveys Lake, PA Quadrangle Latitude: 41°22'17.4"; Longitude: -76°2'55.64"). Subbasin: 4G.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E01-317: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Menallen Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a 64-foot long, 30 foot wide concrete box beam bridge having an under clearance of 6.7 feet over Opossum Creek (TSF, MF, Wild Trout). The construction will temporarily impact 0.04 acre and permanently impact 0.02 acre of Exceptional Value Wetland. All impacts are associated with the SR 4006, Aspers Bendersville bridge

replacement over Opossum Creek (Latitude 39°58'37.56", Longitude -77°13'31.44") for the purpose of improving safety standards. Issued June 30, 2017.

**E01-321: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Franklin and Menallen Townships, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a single span pre-stressed concrete spread box beam bridge with a span of 60.0 feet, an out-to-out width of 30.00 feet, and an underclearance of 10.79 feet and concrete end walls, over Conewago Creek (HQ-CWF, MF). Impacts are associated with the SR 0234 bridge replacement over Conewago Creek (Latitude 39.9463°; Longitude -77.3402°) for the purpose of improving safety standards. No wetlands will be impacted by this project. Issued June 30, 2017.

**E36-949: Exelon Generation Company, LLC**, 300 Exelon Way, Kennett Square, PA 19348 in Fulton Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To dredge 880 lineal feet of Peters Creek (HQ-WWF, MF) and 675 lineal feet in Susquehanna River (Conowingo Reservoir) (WWF, MF) to restore a sufficient depth for vessels to safely navigate the waters from the Peach Bottom Marina to the Conowingo Reservoir (Latitude 39°45'30.15", Longitude -76°13'56.47") in Fulton Township, Lancaster County. The dredging activity will remove approximately 9,000 cubic yards of material from the waterways. Issued June 30, 2017.

**E01-316: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Menallen Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a 76-foot long, 42 foot wide concrete box beam bridge having an under clearance of 6.9 feet over Opossum Creek (TSF, MF) (Latitude 39°58'52.32", Longitude -77°14'3.48") for the purpose of improving safety standards. No wetlands will be impacted by this activity. Issued June, 2017.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E14-578. Elam Stoltzfus**, 1184 Mount Vernon Road, Gap, PA 17527. Elam Stoltzfus proposed driveway crossing, in Marion Township, **Centre County**, ACOE Baltimore District (Madisonburg, PA Quadrangle N: 40.997331; W: 77.622991).

To construct and maintain: 1) a 36-inch diameter 24-foot long culvert depressed 12 inches into the streambed and 2) the associated clean fill approaches for a 10-foot wide driveway in the right floodway in an unnamed tributary to Lick Run This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-1713, Allegheny County Department of Public Works**, 542 Forbes Avenue, Pittsburgh, PA 15222, Collier Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing 33.0 foot long concrete encased I-beam bridge having a span of 7.3 ft and a minimum underclearance of 3.67 feet; and
2. To construct and maintain a 44.0 foot long RC Box Culvert having a span of 8.0 feet with an underclearance of 6.0 feet (depressed 1.0 foot below the natural streambed) in the channel of an Unnamed Tributary (UNT) to Thoms Run (TSF); and
3. To temporarily disturb 73.0 linear feet of said stream for the purpose of constructing the proposed bridge;
4. To construct and maintain 30.0 linear feet of rip-rap stabilization (15.0 feet upstream and 15.0 feet downstream of proposed box culvert) in the channel of said stream;
5. To extend and maintain an existing 48.0 foot long outfall structure 24.0 inches in diameter by constructing and maintaining 35.0 linear feet of additional 24 inch diameter CMP culvert with outlet protection on a second UNT to Thoms Run (TSF); and
6. To temporarily disturb 31.0 linear feet of the same UNT to Thoms Run for the purpose of extending the existing 48.0 foot long 24.0 inch diameter outfall structure an additional 35.0 linear feet; to place and maintain fill in a de minimus amount (0.05 acre) of wetlands; and
7. Temporarily impact 0.13 acre of the same wetland for the purpose of placing the fill; and
8. To place and maintain fill within 0.30 acre of the floodplain of said stream, for the purpose of replacing the existing structurally deficient bridge and realigning Thoms Run Road for the purpose of improving the road geometry and to improve safety for public travel.

The project will permanently and cumulatively impact 96.0 linear feet of stream and 0.05 acre of wetland, and will temporarily impact 104.0 linear feet of stream and 0.13 acre of wetland. Mitigation for temporary impacts will be restoration and there is no mitigation required for the de minimus wetland impact or stream impacts. The project is located on Thoms Run Road approximately 185.0 feet north from the intersection of Thoms Run Road and Nesbit Road (Oakdale PA USGS Topographic Quadrangle; Latitude: 40°- 22'- 54.78"; Longitude: -80°- 9'- 19.48"; Sub-basin: 20F; Chapter 93 Type: TSF), in Collier Township, Allegheny County.

**E02-1747, 911th Airlift Wing, Pittsburgh Air Reserve Station**, 2475 Defense Avenue, Coraopolis, PA 15108-4450, Moon Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

To place and maintain fill in approximately 0.017 acre of PEM isolated wetlands for the purpose of expanding an existing parking lot at the 911th Airlift Wing, Pittsburgh International Airport, Air Reserve Station. Mitigation is not required for the de minimus impact to the wetland. The proposed parking lot expansion will be approximately 1.2 acre in size and is located just northwest from the intersection of Defense Avenue and Rocky Lane (Oakdale, PA N: 21.7 inches; W: 11.6 inches; Latitude: 40° 29' 39.0"; Longitude: -80° 12' 32.3") in Moon Township, Allegheny County.

**E02-1757, North Shore XIV, LLC**, 395 East Waterfront Drive, Suite 300, Homestead, PA 15120, City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Construct, operate, and maintain a building and replace, operate and maintain a parking area within approximately 0.47 acre of floodway along the Allegheny River (WWF; add N) for the purpose of constructing a 7 story retail/office building and associated parking area at the corner of Tony Dorset Drive and North Shore Drive (Pittsburgh West, PA USGS topographic quadrangle; N:12.8 inches; W:1.3 inches; Latitude: 40° 26' 45"; Longitude:-80° 0' 32"; Sub-basin 18A; Pittsburgh Corps District) in the City of Pittsburgh.

**E04-357, Plenary Walsh Keystone Partners**, Park West Two, Third Floor, 2000 Cliff Mine Road, Pittsburgh, PA 15275, South Beaver Township, **Beaver County**, Pittsburgh ACOE District.

Has been given consent to:

1. Remove an existing 23' long by 27'-11" wide, single span, concrete encased steel I-beam bridge over Painters Run (HQ-CWF), with an under clearance of 2'-10";
2. Construct and maintain a replacement, 22' long by 4' box culvert over Painters Run, with an under clearance of 3';
3. Construct and maintain rock slope protection in the floodway on the upstream and downstream side of the aforementioned structure and associated improvements to the guiderails and approach roads;
4. Place and maintain fill in 25 linear feet of an existing unnamed tributary to Painters Run (aka UNT-1) (HQ-CWF), and to construct and maintain 45 linear feet of new relocated channel;
5. Permanently place and maintain fill in 0.004 acre of PEM and 0.023 acre of PSS wetland (0.014 acre in Wetlands 1, 2 & 3);
6. Temporarily impact 0.054 acre of PEM Wetlands, and 0.034 acre of PSS Wetlands during construction. (Wetlands 1, 2, 3, 4 & 5).

For the purpose of replacing the existing structurally deficient structure over Painters Run. This project will impact approximately 163 linear feet of Painters Run, 25 linear feet of UNT to Painters Run, and 0.115 acre of wetlands. Mitigation will occur onsite, as part of construction practices and restoration of aquatic resources after impact. The project is located at State Route 0168, Segment 0500, Offset 1748, approximately 0.4 mile from the intersection between State Route 0168 and Louthan Road, in Darlington, PA 16115. (New Galilee USGS Topographic Quadrangle, Latitude: 40°47'2.70"; Longitude: -80°27'14.8"; Sub-basin: 20-B; Pittsburgh Corps District), in South Beaver Township, Beaver County.

**E56-384, Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, Lower Turkeyfoot Township, **Somerset County**, Pittsburgh ACOE District.

Has been given consent to:

Remove an existing 34-foot long wooden pedestrian bridge and replace it with a 45-foot long, single span, steel bridge with a pressure treated timber deck over Cranberry Glade Run (HQ-CWF). The project will result in 14 linear feet of permanent stream impact and 18 linear feet of temporary stream impact and mitigation is not required. The project is for upgrading the existing bridge. The project is located at State Game Lands 111 off of Cranberry Road near the intersection of Cranberry Road and Jersey Hollow Road (Quadrangle: Kingwood;



Latitude: 39° 54' 6"; Longitude: -79° 22' 7") in Lower Turkeyfoot Township, Somerset County.

**E63-691, Dominion Transmission, Inc.**, 5000 Dominion Boulevard, Glen Allen, VA 23060-3308, West Bethlehem Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Remove an existing concrete grade control structure, place and maintain two 8' × 20' articulated concrete mattresses, 94 feet of rip-rap bank paving, and a rock cross-vane in Horn Run (TSF) for the purpose of protecting an existing 6" natural gas pipeline (G-136 pipeline) that has been exposed. The Stream impacts of 124 feet will be mitigated through restoration, bank stabilization and a cross-vane structure. This project is located near the intersection of Wherry School Road and Oak Spring Road (Ellsworth, PA Quadrangle; Latitude 40° 1' 44"; Longitude -80° 6' 41") in West Bethlehem Township, Washington County.

### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**EA36-047: U.S. Fish and Wildlife Service**, PA Field Office, 110 Radnor Road, Suite 101, State College, PA 16801 in Drumore Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To construction and maintain a stream restoration project along approximately 1,170 feet of Fishing Creek (HQ-CWF, MF) and an unnamed tributary to Fishing Creek (HQ-CWF) including 1) a 75.0-foot long mudsill; 2) 12 log vanes; and 3) 350 feet of channel relocation. The project is located upstream of Oregon Hollow Road approximately 0.5 mile south of its intersection with Penny Road (Wakefield, PA Quadrangle, Latitude 39°51'10.28"N, Longitude: 76°14'40.69"W) in Drumore Township, Lancaster County. No wetlands will be impacted by this project.

### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**D15-422. Wayne Glen Dam, Arcadia Tredyffrin LLC**, 114 Forest Ave, Suite 201, Narbeth, PA 19072. Permit issued to construct Wayne Glen Dam within a tributary to Trout Creek, for the purpose of regional stormwater detention (Valley Forge, PA Quadrangle Latitude: 40.0831; Longitude: -75.4192) in Tredyffrin Township, **Chester 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 District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESG16-059-0059

Applicant Name EQT Production Co

Contact Person Todd Klaner

Address 2400 Zenith Ridge Rd

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Center & Morris

Receiving Stream(s) and Classification(s) Browns Ck

(HQ-WWF); UNTs to Browns Ck (HQ-WWF)

Secondary—South Fork Tenmile Ck (WWF); Browns Ck (HQ-WWF)

ESCGP-2 # ESX11-125-0062 (Major Modification)

Applicant Name Range Resources—Appalachia LLC

Contact Person Karl Matz

Address 3000 Town Center Blvd

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Smith

Receiving Stream(s) and Classification(s) UNT to Raccoon Ck (WWF)

Secondary—Raccoon Ck (WWF)

ESCGP-2 # ESX12-115-0011 (Major Modification)

Applicant Name CNX Gas Company LLC

Contact Person Erika Whetstone

Address 1000 Consol Energy Dr

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Morris

Receiving Stream(s) and Classification(s) UNTs to Patterson Ck (HQ-CWF)

ESCGP-2 # ESX11-125-0027 (Major Modification)

Applicant Name CNX Gas Company LLC

Contact Person Carol Phillips

Address 1000 Consol Energy Dr

City, State, Zip Canonsburg, PA 15317

County Washington & Greene

Township(s) Morris & Morris

Receiving Stream(s) and Classification(s) UNTs to Bates Fork (HQ-WWF), South Fork Tenmile Creek (HQ-WWF), UNTs to Tenmile Creek (TSF), Tenmile Creek (TSF)

ESCGP-2 # ESX16-125-0026

Applicant Name Range Resources—Appalachia LLC

Contact Person Karl Matz

Address 3000 Town Center Blvd

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Amwell

Receiving Stream(s) and Classification(s) UNT to Tenmile Ck (TSF), Montgomery Run (TSF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX12-053-0027—DR02 Pad and Impoundment  
Applicant Nucomer Energy, LLC  
Contact Stephen Keyes  
Address 558 West 6th Street, Suite 100  
City Erie State PA Zip Code 16507  
County Forest Township(s) Hickory  
Receiving Stream(s) and Classification(s) Beaver Run, Otter Creek, & Reno Run HQ CWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-115-14-0098(01)  
Applicant Name Williams Field Services Co  
Contact Person Kristy Grigas  
Address Park Place Corporate Ctr 2, 2000 Commerce Dr  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Jessup  
Receiving Stream(s) and Classification(s) E Branch Wyalusing Ck (CWF-MF) and UNTs thereto

ESCGP-2 # ESG29-105-17-0002  
Applicant Name JKLM Energy LLC  
Contact Person Joseph Harrick  
Address 2200 Georgetown Dr, Suite 500  
City, State, Zip Sewickley, PA 15143-8753  
County Potter  
Township(s) Sweden  
Receiving Stream(s) and Classification(s) UNTs to Nelson Run (HQ-CWF)  
Secondary—Nelson Run (HQ-CWF)

ESCGP-2 # ESG29-105-17-0005  
Applicant Name JKLM Energy LLC  
Contact Person Scott Blauvelt  
Address 2200 Georgetown Dr, Suite 500  
City, State, Zip Sewickley, PA 15143-8753  
County Potter  
Township(s) Homer  
Receiving Stream(s) and Classification(s) UNTs to Big Moores Run (HQ-CWF); Big Moores Run (HQ-CWF)  
Secondary—Big Moores Run (HQ-CWF); First Fork Sinnemahoning Ck (HQ-CWF)

ESCGP-2 # ESG29-105-16-0011(01)  
Applicant Name JKLM Energy LLC  
Contact Person Scott Blauvelt  
Address 2200 Georgetown Dr, Suite 500  
City, State, Zip Sewickley, PA 15143-8753  
County Potter  
Township(s) Sweden & Summit  
Receiving Stream(s) and Classification(s) UNTs to Nelson Run (HQ-CWF)  
Secondary—Nelson Run (HQ-CWF)

ESCGP-2 # ESG29-081-17-0017  
Applicant Name Seneca Resources Corp  
Contact Person Douglas Kepler  
Address 5800 Corporate Dr, Suite 300  
City, State, Zip Pittsburgh, PA 15237  
County Lycoming  
Township(s) Gamble  
Receiving Stream(s) and Classification(s) Mill Ck (EV); Glendenen Run (HQ-CWF)  
Secondary—Loyalsock Ck (EV); Lycoming Ck (EV)

ESCGP-2 # ESX12-115-0012(01)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) Salt Lick Ck (HQ-CWF); Little Butler Ck (CWF-MF)

ESCGP-2 # ESX12-115-0070(01)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) UNT to Nine Partners Ck (CWF-MF)

ESCGP-2 # ESX29-115-17-0010  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) UNT to Martins Ck (CWF-MF)

ESCGP-2 # ESX12-115-0218(02)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Franklin  
Receiving Stream(s) and Classification(s) UNT to Beaver Ck (HQ-CWF)

ESCGP-2 # ESG29-115-16-0054  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Meylert Ck (HQ-CWF) and UNTs thereto

ESCGP-2 # ESX29-081-17-0003  
Applicant Name Inflection Energy PA LLC  
Contact Person Thomas Gillespie  
Address 101 W Third St 5th Fl  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Hepburn  
Receiving Stream(s) and Classification(s) UNT to Mill Ck (WWF); UNT to Millers Run (WWF)  
Secondary—Mill Ck (WWF); Millers Run (WWF)

ESCGP-2 # ESX29-117-17-0022  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 150 N Dairy Ashford E1296E  
City, State, Zip Houston, TX 77079  
County Tioga  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) Seeley Ck (CWF)

## ESCGP-2 # ESX29-117-17-0024

Applicant Name Travis Peak Resources LLC  
 Contact Person Jack Cochran  
 Address 9020 N Capital of Texas Highway, Suite 170  
 City, State, Zip Austin, TX 78759  
 County Tioga  
 Township(s) Clymer  
 Receiving Stream(s) and Classification(s) Crance Brook  
 (CWF); Mill Ck (CWF)

## ESCGP-2 # ESG29-117-15-0014(01)

Applicant Name SWN Production Co LLC  
 Contact Person Justin Moore  
 Address 917 SR 92 N  
 City, State, Zip Tunkhannock, PA 18657  
 County Tioga  
 Township(s) Hamilton  
 Receiving Stream(s) and Classification(s) Tioga River  
 (CWF)

## ESCGP-2 # ESG29-117-17-0013

Applicant Name SWN Production Co LLC  
 Contact Person Justin Moore  
 Address 917 SR 92 N  
 City, State, Zip Tunkhannock, PA 18657  
 County Tioga  
 Township(s) Hamilton and Liberty  
 Receiving Stream(s) and Classification(s) Tioga River  
 (CWF); Taylor Run (EV); Johnson Ck (CWF); Dibble  
 Run (EV); Long Run (CWF); Bellman Run (CWF); Brion  
 Ck (HQ-CWF); Blockhouse Ck (CWF); Blacks Ck (CWF)

## ESCGP-2 # ESG29-117-17-0014

Applicant Name HEP Tioga Gathering LLC  
 Contact Person Kevin Williams  
 Address 17806 H-10 West, Suite 210  
 City, State, Zip San Antonio, TX 78257  
 County Tioga  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Blacks Ck  
 (CWF)

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**SPECIAL NOTICES**


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**Air Quality; Proposed Revision to the State  
 Implementation Plan for Volatile Organic  
 Compounds; Notice of Public Hearing; Notice of  
 Intent to Issue Revised Air Quality Operating  
 Permit 39-00004**

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

*Contact: Norman Frederick, P.E., Environmental Engi-  
 neer Manager—Telephone: 570-826-2409.*

Approval of a Reasonably Available Control Technology  
 (RACT II) plan for **Mack Trucks, Inc.**, located in Lower  
 Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 129.96—129.100,  
 the Pennsylvania Department of Environmental Protec-  
 tion has made a preliminary determination to approve a  
 RACT II plan and an amendment to the State Implemen-  
 tation Plan (SIP) for the truck assembly solvent cleaning  
 operations owned and operated by Mack Trucks, Inc. in  
 Lower Macungie Township, Lehigh County.

The proposed SIP revision does not adopt any new  
 regulations. It incorporates the provisions and require-  
 ments contained in the amended RACT II approval for

the facility, which are intended to satisfy the require-  
 ments for the 1997 National Ambient Air Quality Stan-  
 dard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determina-  
 tion, if finally approved, will be incorporated into a  
 revised operating permit (39-00004) for the facility. The  
 relevant RACT II requirements will be submitted to the  
 U.S. Environmental Protection Agency (EPA) as a revi-  
 sion to Pennsylvania's State Implementation Plan and  
 will remain in effect until replaced pursuant to 40 CFR  
 51 and approval by the EPA. Requirements that are not  
 part of the RACT II determination will be excluded from  
 the SIP submittal.

The following is a summary of the proposed amend-  
 ments to the RACT II determination for this operation  
 that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT II Requirement</i>
Burn off oven (ID 003)	Volatile Organic Compounds. The company has requested to add a VOC emission limit of 2.7 tons/year for this source.
Adhesive/Sealant Application (ID 018)	Volatile Organic Compounds. The company has requested to add a VOC emission limit of 2.7 tons/year for this source.
Solvent cleaning (ID 120, ID 121)	Volatile Organic Compounds. The permittee will minimize VOC emissions by maintaining good operating practices; the company has requested to add a VOC emission limit of 7.5 tons/year for this source.
Solvent Storage Tanks (ID 201, ID 202)	Volatile Organic Compounds. The company has requested to add a VOC emission limit of 2.7 tons/year for this source.

Persons wishing to file a written protest or provide  
 comments or request a public hearing, which they believe  
 should be considered prior to the issuance of a permit,  
 may submit the information to Mr. Mark Wejksznar, Air  
 Quality Program Manager, Northeast Regional Office, 2  
 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day  
 comment period from this date of publication in the  
*Pennsylvania Bulletin* will exist for the submission of  
 comments, protests and hearing request. Each submission  
 must contain the name, address and telephone number of  
 the person submitting the comments, identification of the  
 proposed RACT II Operating Permit including the permit  
 number and a concise statement regarding the relevancy  
 of the information or objections to issuance of the pro-  
 posed RACT II Plan. 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 deter-  
 mines such notification is sufficient. Written comments or  
 requests for a public hearing should be directed to  
 Raymond Kempa, Chief, New Source Review Section, Air  
 Quality Program, 2 Public Square, Wilkes-Barre, PA  
 18701-1915.



All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the PA DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

#### **Air Quality Emission Reduction Credit**

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

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

**ER-49-00006A: Viking Energy of Northumberland, LLC** (20 City Square, Suite 3, Boston, MA 02129) for an Air Quality Emission Reduction Credit (ERC) approval of the following emission reductions from the permanent shutdown of the following source: Wood Waste/Natural Gas Boiler, Source 031: NO<sub>x</sub>: 184.25 tpy; VOC: 16.22 at the facility in Point Township, **Northumberland County**.

#### **RACT II Alternative Compliance Schedule**

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

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

**TV-10-00028: Armstrong Cement & Supply Corp.** (100 Clearfield Road, Cabot, PA 16023-9521)—RACT II alternative compliance schedule—On October 20 and December 22, 2016 Armstrong originally submitted to the Department an alternative compliance schedule petition under the RACT II regulations, requesting more time to comply with the presumptive limits due to a proposed control device installation. The petition was approved via DEP letter dated December 28, 2016. Armstrong then submitted a May 4, 2017 letter indicating they would be unable to meet a few of the approved milestone dates from the original petition. Subsequently, the Department and Armstrong Cement entered into a Consent Order and Agreement on June 15, 2017 to help both parties assure compliance with newly proposed interim milestone dates, and the final compliance date. A plan approval application for control device installation is pending as of March 28, 2017. Armstrong's final compliance date to meet the presumptive RACT II limit is 180 days after completion of construction of the control device. They are proposing to comply with their existing Title V permit limits, as interim emission limits. This interim limit and alternative compliance schedule is authorized under 25 Pa. Code § 129.97(k)—(m) for their facility in Winfield Township, **Butler County**.

#### **RESIDUAL WASTE GENERAL PERMITS**

**Permit Modification Proposed 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 17105-8472.*

**General Permit Numbers WMGR019 and WMGR098.** These general permits authorize the beneficial use of waste foundry sand and sand system dust as roadway construction material, a component or ingredient in the manufacturing of concrete or asphalt products, a soil additive or soil substitute, and non-roadway construction material. The proposed modification would consolidate General Permit Numbers WMGR019 and WMGR098, into a single general permit, WMGR019.

The proposed combination of these two general permits will result in the following revisions to General Permit Number WMGR019:

1. Include the beneficial use of foundry sand and sand system dust generated by ferrous metal foundries and steel foundries as waste materials that may be beneficially used under General Permit Number WMGR019.
2. Utilize the chemical constituent limits and three options for testing currently found in General Permit Number WMGR019.

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 (relating to authorization for general permit) to modify general permits for any category of beneficial use or processing that results in beneficial use of residual waste on a Statewide basis when the Department determines that the use will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard permit conditions.

Written comments concerning these amendments should be directed to Chris Solloway, Solid Waste Program Specialist, 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](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGR019" 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.



### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 2017 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
AccuStar Labs	PO Box 990 Lebanon, PA 17046	Laboratory Analysis
Chad Albright	4101 Beale Avenue Altoona, PA 16601	Testing
Tina Artigliere	PO Box 4475 Reading, PA 19606	Testing
William Boni	5135 Interboro Drive Pittsburgh, PA 15207	Testing & Mitigation
Rob Bruno	501 Sharp Avenue	Testing
Boro Environmental	Glenolden, PA 19036	
CA Construction	4101 Beale Avenue Altoona, PA 16601	Mitigation
Jeffrey Chase	132 Twilight Drive Canonsburg, PA 15317	Testing
Carl Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Laboratory Analysis
Scott Feeser	PO Box 343 East Berlin, PA 17316	Testing
Garland Inspection Services, Inc.	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Vilas Godbole	307 Dogwood Lane Wallingford, PA 19086	Testing
Thomas Hollingsworth	8020 Mine Street Fogelsville, PA 18051	Mitigation
William Kail	549 McCombs Road Venetia, PA 15367	Testing
Chris Kessler	950 Cape Horn Road York, PA 17402	Testing
Mitchell Lehman	820 Woodlawn Avenue Wilmington, DE 19805	Testing
Jeremy Ling	1460 Ryland Drive Mechanicsburg, PA 17050	Mitigation
Ryan McGrady	37 North Washington Street Wilkes-Barre, PA 18701	Testing
Mark Merani	PO Box 26 Stewartstown, PA 17363	Testing & Mitigation
Merani Construction, LLC	PO Box 26 Stewartstown, PA 17363	Mitigation
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Denise Moran	4 Oak Lane Williamstown, NJ 08094	Testing
Jonathan Musselman	470 Creekview Drive Harleysville, PA 19438	Testing
Maureen Nolan	14501 George Carter Way Suite 110 Chantilly, VA 20151	Laboratory Analysis
James Oldham	442 Wilpen Road Ligonier, PA 15658	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Omega Radon Measurement & Mitigation	5135 Interboro Avenue Pittsburgh, PA 15207	Mitigation
Jerry Petrill	290 Forbes Trail Road Greensburg, PA 15601	Mitigation
Gerald Petrone, Jr.	152 Orchard Drive McMurray, PA 15317	Testing
Eric Rode	290 South Mill Road Milton, PA 17847	Testing
Troy Rudy	PO Box 4214 Lancaster, PA 17604	Testing
David Sabo	353 Livingston Road West Mifflin, PA 15122	Testing
Mark Salasky Landauer	2 Science Road Glenwood, IL 60425	Laboratory Analysis
Thomas Sanders, Jr.	20 Richey Avenue Pittsburgh, PA 15214	Testing
Richard Sandt	1200 East Main Street Suite 198 Palmyra, PA 17078	Testing
Eugene Jack Spoeher, Jr.	6301 Hilltop Drive Brookhaven, PA 19015	Testing
TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Laboratory Analysis
Kevin Thompson	PO Box 242 Unionville, PA 19375	Testing
Dale Thorson Premier Termite & Pest Control	800 Antietam Drive Douglassville, PA 19518	Testing
Lawrence Transue	2305 Lone Cedar Drive Easton, PA 18040	Testing
Roger Weaver	PO Box 275 White Haven, PA 18661	Testing
David Weikel	14501 George Carter Way Suite 110 Chantilly, VA 20151	Testing
Thomas Wilson	PO Box 9 Mingoville, PA 16856	Testing
Eric Zigga	835 Murray Street Throop, PA 18512	Mitigation

[Pa.B. Doc. No. 17-1167. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Aggregate Advisory Board Meeting

The Aggregate Advisory Board will meet on August 2, 2017, from 10 a.m. to 12 p.m. at the Hampton Inn, 202 Fairview Drive, Monaca, PA 15061. The meeting will also be offered in a conference call format.

Questions concerning the meeting can be directed to Daniel E. Snowden at (717) 783-8846 or dsnowden@pa.gov. The agenda and meeting materials for the meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1168. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Nutrient Credit Trading Program; Credit Certification

The Department of Environmental Protection (Department) provides notice of a mass credit certification action under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

The Department provided notice of its intent under the Trading Program to issue a mass certification to all Significant Sewage point source discharges within the Chesapeake Bay Watershed with annual mass load effluent limitations (Cap Loads) in a National Pollutant Discharge Elimination System (NPDES) permit as published at 47 Pa.B. 2253 (April 15, 2017). Comments on this proposal were accepted until May 15, 2017.

For a list of Significant Sewage point sources see Table 7-1 of the Phase 2 Wastewater Implementation Plan (Phase 2 WIP) Wastewater Supplement available at [www.dep.pa.gov/npdes-bay](http://www.dep.pa.gov/npdes-bay) or the Department's Nutrient Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

#### *Credit Certification*

Effective October 1, 2017, to be eligible to generate credits for sale, all Significant Sewage point source discharges with an assigned Cap Load (see Table 7-1 of the Phase 2 WIP Wastewater Supplement) must demonstrate treated effluent concentrations below 6.0 mg/L total nitrogen (TN) and 0.8 mg/L total phosphorous (TP) (that is, baseline concentrations) in accordance with the procedures described in the Phase 2 WIP Nutrient Trading Supplement. Where more stringent effluent limitations for TN or TP, or both, are established in Part A of the NPDES permit for reasons other than assignment of a Cap Load, the permittee must meet those more stringent effluent limits before it may generate credits. In addition:

- To generate credits, facilities must demonstrate they are in compliance with their NPDES permit.
- The total amount of credits the facility is certified to generate cannot exceed its permitted Cap Load.
- The calculation of credits will be made using formulas described in the Phase 2 WIP Nutrient Trading Supplement.
- This point source certification will expire on September 30, 2019.

To ensure that verification is complete in time for credit availability to be posted on the Department web site, facilities are encouraged to provide the Department with their verification requests by October 28th of each year. Verification requests must include a complete "Annual Chesapeake Bay Spreadsheet" for the compliance year in

which the credits were generated (October 1 through September 30). This spreadsheet, verification forms and instructions can be found at the Department's Nutrient Trading web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading) (select "Credit Generation Process").

Persons aggrieved by an action may appeal, 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), 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, (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 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, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this action or the Trading Program, contact the Nutrient Trading Program, Department of Environmental Protection, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, [RA\\_EPPANutrientTrad@pa.gov](mailto:RA_EPPANutrientTrad@pa.gov), or visit the Department's web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1169. Filed for public inspection July 14, 2017, 9:00 a.m.]

### **Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988**

The Department of Environmental Protection announces the following grants to Lawrence County and Mercer County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101 for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472, (717) 772-5719 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northwest	Lawrence	Lawrence County	HHW Education	\$52,269
Northwest	Mercer	Mercer County	HHW Education	\$57,004

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1170. Filed for public inspection July 14, 2017, 9:00 a.m.]

**Proposed Certification that the Commonwealth's Existing Emission Statement Program and Nonattainment New Source Review Program Addresses the 2008 Ozone National Ambient Air Quality Standard State Implementation Plan SIP Requirements Rule**

The Commonwealth is proposing to submit a State Implementation Plan (SIP) revision to the United States Environmental Protection Agency (EPA) to certify that the Commonwealth's existing Federally-approved Statewide Emission Statement Program in 25 Pa. Code Chapter 135 (relating to reporting of sources) and its existing Nonattainment New Source Review (NNSR) Program in 25 Pa. Code §§ 121.1 and 127.201—127.218 (relating to definitions; and new source review), covering the Allentown-Bethlehem-Easton, PA; Lancaster, PA; Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE; Pittsburgh-Beaver Valley, PA; and Reading, PA nonattainment areas for the 2008 ozone National Ambient Air Quality Standard (NAAQS) meet the Federal requirements under the 2008 ozone NAAQS. The Commonwealth's existing NNSR Program is at least as stringent as the requirements at 40 CFR 51.165 (relating to permit requirements) for ozone and its precursors, as amended in the final rule published at 80 FR 12264 (March 6, 2015). After consideration of comments received, the Department of Environmental Protection (Department) will finalize and submit the SIP revision to the EPA for approval.

Section 182(a)(3)(B) of the Clean Air Act (CAA) (42 U.S.C.A. § 7511a(a)(3)(B)) requires states to develop emission reporting programs, called emission statement programs, for volatile organic compounds and nitrous oxides. The required state program and associated regulation define how states obtain emissions data directly from facilities and report it to the EPA. The Commonwealth's previously approved emission statement rule in force for the 1997 ozone NAAQS and the 1-hour ozone NAAQS covers all portions of the nonattainment areas for the 2008 ozone NAAQS, and is sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS. The EPA previously approved the Commonwealth's Statewide Emission Statement Program, which meets the requirements under section 182(a)(3)(B) of the CAA at 60 FR 2881 (January 12, 1995). No further changes are necessary to the emission statement program requirements to comply with the 2008 Ozone NAAQS.

For nonattainment areas, sections 172(c)(5) and 173 of the CAA (42 U.S.C.A. §§ 7502(c)(5) and 7503) and section 182(a) of the CAA require states to submit NNSR plans or plan revisions no later than 36 months after the effective date of area designations for the NAAQS. NNSR requirements for the 2008 ozone NAAQS are in 40 CFR 51.165. The EPA previously approved a Commonwealth-wide NNSR SIP revision, which covered all nonattainment areas in this Commonwealth for the 2008 ozone

NAAQS on May 12, 2012. See 77 FR 28261 (May 14, 2012). For the 2008 ozone NAAQS, the NNSR plans or plan revisions were due July 20, 2015. The Commonwealth's certification of its existing NNSR Program addresses the NNSR plan revision required for the 2008 Ozone NAAQS. The NNSR certification SIP-revision is also being made in response to the EPA's February 3, 2017, 2008 Ozone Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone NAAQS. See 82 FR 9158 (February 3, 2017).

The proposed SIP revision and supporting documents are available on the Department's web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by contacting Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov).

The Department will hold three public hearings to receive comments on the proposal.

The hearings will be held as follows:

August 16, 2017

1 p.m.

Department of Environmental Protection  
Southwest Regional Office  
Waterfront A Conference Room  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

August 16, 2017

1 p.m.

Department of Environmental Protection  
Southeast Regional Office  
Schuylkill River Conference Room  
2 East Main Street  
Norristown, PA 19401

August 17, 2017

1 p.m.

Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna Conference Room  
909 Elmerton Avenue  
Harrisburg, PA 17110

Persons wishing to present testimony should contact Roma Monteiro, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov) to reserve a time. Speakers will be limited to 5 minutes and should provide two written copies of their comments.

If no person has expressed an interest in testifying at a hearing 2 days prior to the date of the scheduled hearing, the hearing will be cancelled. The Department will provide public notice on the Bureau of Air Quality webpage at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Businesses," then "Air," then "Bureau of Air Quality") if the hearing is cancelled. Persons may also contact Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov) to find out if a hearing is cancelled.

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



Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than August 18, 2017. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Certification of Pennsylvania's Existing Emission Statement and Existing NNSR Program" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1171. Filed for public inspection July 14, 2017, 9:00 a.m.]

### **Proposed State Implementation Plan Revision; Attainment Demonstration for the Beaver Nonattainment Area for the 2010 Sulfur Dioxide National Ambient Air Quality Standard; Public Hearing**

The Department of Environmental Protection (Department) is seeking public comment on a proposed State Implementation Plan (SIP) revision which demonstrates how the Beaver nonattainment area will attain the 2010 1-hour Federal National Ambient Air Quality Standard (NAAQS) for Sulfur Dioxide (SO<sub>2</sub>). Short-term exposure to SO<sub>2</sub> has been linked to adverse respiratory conditions in humans.

On June 22, 2010, the United States Environmental Protection Agency (EPA) promulgated a revised primary NAAQS for SO<sub>2</sub> of 75 parts per billion, which went into effect on August 23, 2010. See 75 FR 35520 (June 22, 2010). On August 5, 2013, the EPA designated four areas in this Commonwealth as nonattainment for the 2010 1-hour SO<sub>2</sub> NAAQS, including the Beaver nonattainment area. See 78 FR 47191 (August 5, 2013). These nonattainment designation areas were effective on October 4, 2013. See 78 FR 47191, 47192. The political subdivisions encompassing the Beaver nonattainment area include: Industry Borough, Shippingport Borough, Midland Borough, Brighton Township, Potter Township and Vanport Township. Section 192(a) of the Clean Air Act (CAA) (42 U.S.C.A. § 7514a(a)) requires SO<sub>2</sub> nonattainment areas to attain the 2010 NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of the EPA's 2013 designations, which is October 4, 2018.

The proposed SIP revision meets the requirements necessary for an approvable SIP revision as set forth in section 192 of the CAA, sections 110, 172 and 191 of the CAA (42 U.S.C.A. §§ 7410, 7502 and 7514) and 40 CFR 51.102 (relating to public hearings), including a base year emission inventory, reasonable further progress toward attainment, installation of reasonably available control measures/technology, dispersion modeling demonstrating attainment in 2018, approved New Source Review program and contingency measures. To this effect, the Department has drafted Consent Order and Agreements with FirstEnergy Generation, LLC and Jewel Acquisition, LLC to incorporate control measures, emission limits and contingency measures applicable to the facilities into a

Federally-enforceable vehicle. After consideration of comments received from the public, the SIP revision will be finalized and submitted to the EPA for approval.

The proposed SIP revision is available on the Department's web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by contacting Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov).

The Department will hold a public hearing to receive comments on the proposal on August 15, 2017, at 10 a.m. in the Waterfront A and B Rooms, Southwest Regional Office, 500 Waterfront Drive, Pittsburgh, PA 15222. Persons wishing to present testimony should contact the Department no less than 24 hours in advance of the public hearing to reserve a time. Reservation requests should be directed to Roma Monteiro, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov) to reserve a time. Speakers will be limited to 5 minutes and should provide two written copies of their comments.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than August 18, 2017. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Beaver 2010 SO<sub>2</sub>" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1172. Filed for public inspection July 14, 2017, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Health Policy Board Meeting**

The Health Policy Board (Board) is scheduled to hold a meeting on Tuesday, August 1, 2017, at 1 p.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. The purpose of the meeting is to consult with the Board on the Department of Health's draft revised hospital licensure regulations, as required under section 803 of the Health Care Facilities Act (35 P.S. § 448.803).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Erik Huet, Department of Health, Office of Policy, at (717) 547-3311, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1173. Filed for public inspection July 14, 2017, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania 333 Instant Lottery Game 1294

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 333 (hereinafter “333”). The game number is PA-1294.

2. *Price:* The price of a 333 instant lottery game ticket is \$1.

3. *Play Symbols:* Each 333 instant lottery game ticket will contain one play area. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$60<sup>00</sup> (SIXTY), \$90<sup>00</sup> (NINTY), \$333 (THRTRYTHR), \$3,000 (THR THO), 3X (TRIPLE) symbol and a 3 (WIN333) symbol.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$20, \$30, \$60, \$90, \$333 and \$3,000. The player can win up to 1 time on the ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the 333 instant lottery game.

### 6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$3,000 (THR THO) in the play area, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets with three matching prize play symbols of \$333 (THRTRYTHR) in the play area, on a single ticket, shall be entitled to a prize of \$333.

(c) Holders of tickets upon which a 3 (WIN333) symbol appears in the play area, on a single ticket, shall be entitled to a prize of \$333.

(d) Holders of tickets with three matching prize play symbols of \$90<sup>00</sup> (NINTY) in the play area, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets with two matching prize play symbols of \$30<sup>00</sup> (THIRTY) and a 3X (TRIPLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$90.

(f) Holders of tickets with three matching prize play symbols of \$60<sup>00</sup> (SIXTY) in the play area, on a single ticket, shall be entitled to a prize of \$60.

(g) Holders of tickets with two matching prize play symbols of \$20<sup>00</sup> (TWENTY) and a 3X (TRIPLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$60.

(h) Holders of tickets with three matching prize play symbols of \$30<sup>00</sup> (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets with two matching prize play symbols of \$10<sup>00</sup> (TEN DOL) and a 3X (TRIPLE) symbol

appearing in the play area, on a single ticket, shall be entitled to a prize of \$30.

(j) Holders of tickets with three matching prize play symbols of \$20<sup>00</sup> (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with three matching prize play symbols of \$15<sup>00</sup> (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets with two matching prize play symbols of \$5<sup>00</sup> (FIV DOL) and a 3X (TRIPLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with three matching prize play symbols of \$9<sup>00</sup> (NIN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$9.

(o) Holders of tickets with two matching prize play symbols of \$3<sup>00</sup> (THR DOL) and a 3X (TRIPLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$9.

(p) Holders of tickets with three matching prize play symbols of \$6<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets with two matching prize play symbols of \$2<sup>00</sup> (TWO DOL) and a 3X (TRIPLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with three matching prize play symbols of \$3<sup>00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets with two matching prize play symbols of \$1<sup>00</sup> (ONE DOL) and a 3X (TRIPLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with three matching prize play symbols of \$1<sup>00</sup> (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(w) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one 333 instant lottery game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Get 3 Like Amounts, Win That Amount.

Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 9,600,000 Tickets
3—FREEs	FREE \$1 TICKET	12	800,000
3—\$1s	\$1	60	160,000
3—\$2s	\$2	19.35	496,000
2—\$1s w/ 3X	\$3	46.15	208,000
3—\$3s	\$3	100	96,000
3—\$5s	\$5	250	38,400
2—\$2s w/ 3X	\$6	187.5	51,200
3—\$6s	\$6	333.33	28,800
2—\$3s w/ 3X	\$9	428.57	22,400
3—\$9s	\$9	1,000	9,600
3—\$10s	\$10	214.29	44,800
2—\$5s w/ 3X	\$15	500	19,200
3—\$15s	\$15	3,000	3,200
3—\$20s	\$20	600	16,000
2—\$10s w/ 3X	\$30	750	12,800
3—\$30s	\$30	8,000	1,200
2—\$20s w/ 3X	\$60	2,400	4,000
3—\$60s	\$60	8,000	1,200
2—\$30s w/ 3X	\$90	5,333	1,800
3—\$90s	\$90	24,000	400
\$333 w/ 3 SYMBOL	\$333	12,000	800
3—\$333s	\$333	240,000	40
3—\$3,000s	\$3,000	960,000	10

Get 2 like amounts and a “3X” (TRIPLE) symbol, triple that amount.

Reveal a “3” (WIN333) symbol, win \$333 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 333 instant lottery game tickets.

9. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of 333, prize money from winning 333 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the

announced close of the 333 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote 333 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 17-1174. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Pennsylvania Gold Fish® Instant Lottery Game 1293

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Gold Fish® (hereinafter referred to as “Gold Fish®”). The game number is PA-1293.



2. *Price:* The price of a Gold Fish® instant lottery game ticket is \$2.

3. *Play Symbols:* Each Gold Fish® instant lottery game ticket will contain one play area featuring 10 play symbols and their captions. The play symbols and their captions located in the play area are: Crab (CRAB) symbol, Blue Fish (BLUE) symbol, Green Fish (GREEN) symbol, Helmet (HELMET) symbol, Net (NET) symbol, Seaweed (SEAWEED) symbol, Oyster (OYSTER) symbol, Starfish (STARFISH) symbol, Octopus (OCTO) symbol, Turtle (TURTLE) symbol, Coral (CORAL) symbol, Anchor (ANCHOR) symbol, Sea Castle (SEA CASTLE) symbol, Red Fish (RED) symbol, Purple Fish (PURPLE) symbol, Pink Fish (PINK) symbol, Shell (SHELL) symbol, Gold Fish (GLDFSH) symbol, Fish Food (WIN20) symbol and a Treasure Chest (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$2<sup>.00</sup> (TWO DOL), \$4<sup>.00</sup> (FOR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$25<sup>.00</sup> (TWY FIV), \$40<sup>.00</sup> (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$100, \$200, \$500, \$1,000 and \$25,000. The player can win up to 10 times on the ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct one Gold Fish® Second-Chance Drawing for which non-winning Gold Fish® instant lottery game tickets may be eligible, as provided for in section 10.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Gold Fish® instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Treasure Chest (WINALL) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Treasure Chest (WINALL) symbol in the play area and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in eight of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets with a Treasure Chest (WINALL) symbol in the play area and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Treasure Chest (WINALL) symbol in the play area and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a Treasure Chest (WINALL) symbol in the play area and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with a Fish Food (WIN20) symbol in the play area and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that Fish Food (WIN20) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a Treasure Chest (WINALL) symbol in the play area and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with a Gold Fish (GLDFSH) symbol in the play area and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in the “prize” area under that Gold Fish (GLDFSH) symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:



Reveal A "GOLD FISH" (GLDFSH)  
Symbol, Win Prize Shown Under That  
Symbol.

Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
\$2	\$2	8.82	816,000
\$2 × 2	\$4	42.86	168,000
\$4	\$4	37.5	192,000
\$5	\$5	50	144,000
\$2 × 5	\$10	300	24,000
\$5 × 2	\$10	300	24,000
\$10	\$10	150	48,000
TREASURE CHEST w/ (\$2 × 10)	\$20	250	28,800
\$5 × 4	\$20	1,500	4,800
\$10 × 2	\$20	1,500	4,800
\$20 w/ FISH FOOD	\$20	375	19,200
\$20	\$20	1,500	4,800
\$5 × 5	\$25	1,500	4,800
(\$20 w/ FISH FOOD) + \$5	\$25	750	9,600
\$25	\$25	1,500	4,800
TREASURE CHEST w/ (\$4 × 10)	\$40	666.67	10,800
\$5 × 8	\$40	3,000	2,400
\$10 × 4	\$40	4,000	1,800
(\$20 w/ FISH FOOD) + (\$4 × 5)	\$40	2,000	3,600
(\$20 w/ FISH FOOD) + (\$5 × 4)	\$40	2,000	3,600
(\$20 w/ FISH FOOD) × 2	\$40	2,000	3,600
\$40	\$40	4,000	1,800
TREASURE CHEST w/ (\$10 × 10)	\$100	2,400	3,000
\$25 × 4	\$100	12,000	600
(\$20 × 4) + (\$5 × 4)	\$100	12,000	600
(((\$20 w/ FISH FOOD) × 3) + (\$10 × 4)	\$100	12,000	600
(((\$20 w/ FISH FOOD) × 2) + (\$20 × 3)	\$100	2,400	3,000
(\$20 w/ FISH FOOD) × 5	\$100	12,000	600
\$100	\$100	12,000	600
TREASURE CHEST w/ (\$20 × 10)	\$200	8,000	900
\$25 × 8	\$200	24,000	300
\$40 × 5	\$200	24,000	300
\$100 × 2	\$200	24,000	300
(\$20 w/ FISH FOOD) × 10	\$200	24,000	300
\$200	\$200	24,000	300
TREASURE CHEST w/ ((\$25 × 8) + \$200 + \$100)	\$500	60,000	120
\$100 × 5	\$500	60,000	120
\$500	\$500	60,000	120
TREASURE CHEST w/ (\$100 × 10)	\$1,000	720,000	10
\$100 × 10	\$1,000	720,000	10
\$200 × 5	\$1,000	720,000	10
\$500 × 2	\$1,000	360,000	20
\$1,000	\$1,000	720,000	10
\$25,000	\$25,000	720,000	10

Reveal a "FISH FOOD" (WIN20) symbol, win \$20 instantly!

Reveal a "TREASURE CHEST" (WINALL) symbol, win all 10 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's Gold Fish® Second-Chance Drawing (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1293 Gold Fish® (\$2) instant lottery tickets and PA-5010 Gold Fish® Fast Play lottery tickets ("Qualifying Tickets") are eligible for entry into the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery>.

[state.pa.us/Vip-players-club/Login.aspx](https://state.pa.us/Vip-players-club/Login.aspx). Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description:*

(1) The Lottery will conduct one Gold Fish® Second-Chance Drawing. All time references are Eastern Prevailing Time.

(2) *Entry Periods.* PA-5010 Gold Fish® Fast Play lottery tickets go on sale on July 4, 2017 and PA-1293 Gold Fish® instant lottery tickets go on sale on July 18, 2017. Due to the differences in launch dates, the entry periods for each game will be different.

(i) All PA-5010 Gold Fish® Fast Play lottery ticket Drawing entries received after 11:59:59 p.m. July 3, 2017, through 11:59:59 p.m. September 21, 2017, will be entered into the Drawing, held between September 22, 2017 and October 2, 2017.

(ii) All PA-1293 Gold Fish® instant lottery ticket Drawing entries received after 11:59:59 p.m. July 16, 2017, through 11:59:59 p.m. September 21, 2017, will be entered into the Drawing, held between September 22, 2017 and October 2, 2017.

(3) The entry periods for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) A Qualifying Ticket will receive 2 entries.

(5) Players may review their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c).

(3) The first through the tenth entries selected from the total number of entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000.

(4) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(5) The odds of an entry being selected in the Drawing depend upon the number of entries received for the Drawing.

(6) A computer generated randomizer will be used to select the winning entries for the Drawing.

(e) *Drawing Restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered

into the Drawing because of incompatible cellular telephones or internet browsers, mobile lottery application failure, or other technical issues. If a Drawing entry is selected as a winner and disqualified or otherwise rejected during or following the Drawing, the Lottery will select another entry to replace the disqualified or otherwise rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Gold Fish® instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Gold Fish®, prize money from winning Gold Fish® instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Gold Fish® instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Gold Fish® or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 17-1175. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Pennsylvania Super 7 Instant Lottery Game 1291

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Super 7 (hereinafter “Super 7”). The game number is PA-1291.

2. *Price:* The price of a Super 7 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Super 7 instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The

play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHREE), 24 (TWYFOUR), 25 (TWYFIVE), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHREE), 34 (THYFOUR), 35 (THYFIVE), 36 (THYSIX), 38 (THYEGT), 39 (THYNIN), and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHREE), 24 (TWYFOUR), 25 (TWYFIVE), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHREE), 34 (THYFOUR), 35 (THYFIVE), 36 (THYSIX), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 7 (SEVEN) symbol, \$700 (WIN700) symbol and a SUPER (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$70<sup>00</sup> (SVNTY), \$100 (ONE HUN), \$300 (THR HUN), \$700 (SVN HUN), \$7,000 (SVN THO), \$30,000 (TRY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$30, \$40, \$70, \$100, \$300, \$700, \$7,000, \$30,000 and \$300,000. The player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Super 7 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30,000 (TRY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$7,000 (SVN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$700 (SVN HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$700 (WIN700) symbol and a prize symbol of \$700 (SVN HUN) appears in the “prize” area under that \$700 (WIN700) symbol, on a single ticket, shall be entitled to a prize of \$700.



(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$700 (SVN HUN) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$700.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$700.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$300 (THR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$300 (THR HUN) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$300.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER (WINALL) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$300.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER (WINALL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all fifteen of the "prize" areas, on a single ticket, shall be entitled to a prize of \$300.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$70<sup>00</sup> (SVNTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol

and a prize symbol of \$70<sup>00</sup> (SVNTY) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$70.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SEVEN) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown Under The Matching Number.  
Win With:*

\$10 w/ 7 SYMBOL  
\$10  
\$10 × 2  
(\$10 w/ 7 SYMBOL) + \$10  
(\$10 w/ 7 SYMBOL) × 2  
\$20 w/ 7 SYMBOL  
\$20  
\$10 × 3

*Win:*

\$10  
\$10  
\$20  
\$20  
\$20  
\$20  
\$20  
\$30

*Approximate  
Odds Are 1 In:*

12  
12  
60  
60  
60  
60  
60  
150

*Approximate No.  
Of Winners Per  
7,200,000  
Tickets*

600,000  
600,000  
120,000  
120,000  
120,000  
120,000  
120,000  
48,000



*When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown Under The Matching Number.  
Win With:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
(\$10 w/ 7 SYMBOL) × 3	\$30	600	12,000
\$30 w/ 7 SYMBOL	\$30	150	48,000
\$30	\$30	600	12,000
\$20 × 2	\$40	600	12,000
(\$10 w/ 7 SYMBOL) + \$30	\$40	600	12,000
(\$10 w/ 7 SYMBOL) × 4	\$40	600	12,000
\$40 w/ 7 SYMBOL	\$40	600	12,000
\$40	\$40	600	12,000
\$10 × 7	\$70	600	12,000
\$40 + \$30	\$70	600	12,000
(((\$20 w/ 7 SYMBOL) × 2) + \$30	\$70	300	24,000
(\$10 w/ 7 SYMBOL) × 7	\$70	200	36,000
\$70 w/ 7 SYMBOL	\$70	300	24,000
\$70	\$70	600	12,000
\$10 × 10	\$100	4,000	1,800
(\$70 w/ 7 SYMBOL) + (\$10 × 3)	\$100	3,000	2,400
(\$10 w/ 7 SYMBOL) × 10	\$100	6,000	1,200
(\$20 w/ 7 SYMBOL) × 5	\$100	6,000	1,200
\$100 w/ 7 SYMBOL	\$100	12,000	600
\$100	\$100	12,000	600
SUPER w/ (\$20 × 15)	\$300	8,000	900
SUPER w/ ((\$40 × 5) + (\$10 × 10))	\$300	8,000	900
\$30 × 10	\$300	120,000	60
\$100 × 3	\$300	120,000	60
(((\$70 w/ 7 SYMBOL) × 4) + (\$10 × 2)	\$300	120,000	60
\$300 w/ 7 SYMBOL	\$300	120,000	60
\$300	\$300	120,000	60
SUPER w/ ((\$100 × 5) + (\$20 × 10))	\$700	1,714	4,200
\$100 × 7	\$700	24,000	300
(\$70 w/ 7 SYMBOL) × 10	\$700	24,000	300
\$700 w/ 7 SYMBOL	\$700	24,000	300
\$700 w/ \$700 SYMBOL	\$700	923.08	7,800
\$700	\$700	24,000	300
(\$700 w/ 7 SYMBOL) × 10	\$7,000	720,000	10
(\$700 w/ \$700 SYMBOL) × 10	\$7,000	720,000	10
\$7,000	\$7,000	720,000	10
\$30,000	\$30,000	720,000	10
\$300,000	\$300,000	720,000	10

Reveal a "7" (SEVEN) symbol, win prize shown under that symbol automatically.

Reveal a "\$700" (WIN700) symbol, win \$700 instantly.

Reveal a "SUPER" (WINALL) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Super 7 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles

the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Super 7, prize money from winning Super 7 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Super 7 instant lottery game, the right of a ticket holder to claim the prize represented by

the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Super 7 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 17-1176. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Pennsylvania Whole Lotta \$500s Instant Lottery Game 1292

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Whole Lotta \$500s (hereinafter “Whole Lotta \$500s”). The game number is PA-1292.

2. *Price:* The price of a Whole Lotta \$500s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Whole Lotta \$500s instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “FAST \$500” area. The “FAST \$500” play area is played separately. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX), 37 (THIRTYSEVEN), 38 (THIRTYEIGHT), 39 (THIRTYNINE), 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX), 37 (THIRTYSEVEN), 38 (THIRTYEIGHT), 39 (THIRTYNINE), 40 (FORTY) and a \$500 Burst (WIN500) symbol. The play symbols and their captions located in the “FAST \$500” area are: Gold Bar (TRY AGAIN) symbol, Bell (NO BONUS) symbol, Stack of Coins (TRY AGAIN) symbol, Horseshoe (NO BONUS) symbol, Crown (TRY AGAIN) symbol, Cherries

(NO BONUS) symbol and a \$500 Burst (WIN500) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500, \$1,000, \$5,000 and \$100,000. The prize that can be won in the “FAST \$500” area is \$500. The player can win up to 12 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 13,200,000 tickets will be printed for the Whole Lotta \$500s instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$500 Burst (WIN500) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that \$500 Burst (WIN500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a \$500 Burst (WIN500) symbol in the “FAST \$500” area, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING

NUMBERS" play symbols, and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$15<sup>.00</sup> (FIFTEEN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5<sup>.00</sup> (FIVE DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown Under The Matching Number.  
Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets</i>
\$5	\$5	8.57	1,540,000
\$5 × 2	\$10	30	440,000
\$10	\$10	60	220,000
\$5 × 3	\$15	200	66,000
\$10 + \$5	\$15	150	88,000
\$15	\$15	200	66,000
\$5 × 4	\$20	300	44,000
\$10 × 2	\$20	600	22,000
(\$5 × 2) + \$10	\$20	300	44,000
\$20	\$20	300	44,000
\$5 × 8	\$40	600	22,000
\$10 × 4	\$40	600	22,000
\$20 × 2	\$40	600	22,000
\$40	\$40	600	22,000
\$5 × 10	\$50	600	22,000
\$10 × 5	\$50	600	22,000
(\$20 × 2) + (\$5 × 2)	\$50	600	22,000
\$50	\$50	600	22,000
\$20 × 5	\$100	12,000	1,100
\$50 × 2	\$100	12,000	1,100
(\$10 × 5) + (\$5 × 6) + \$20	\$100	6,000	2,200
(\$20 × 2) + (\$10 × 2) + (\$5 × 8)	\$100	4,000	3,300
(\$40 × 2) + (\$10 × 2)	\$100	12,000	1,100
\$100	\$100	12,000	1,100
\$50 × 10	\$500	4,800	2,750
\$500 w/ FAST \$500	\$500	960	13,750
\$500 w/ \$500 BURST	\$500	960	13,750
\$500	\$500	4,800	2,750
\$500 × 2	\$1,000	1,320,000	10
(\$500 w/ \$500 BURST) + (\$500 w/ FAST \$500)	\$1,000	1,320,000	10
(\$500 w/ \$500 BURST) × 2	\$1,000	1,320,000	10
\$1,000	\$1,000	1,320,000	10
(((\$500 w/ \$500 BURST) × 9) + (\$500 w/ FAST \$500))	\$5,000	1,320,000	10
\$5,000	\$5,000	1,320,000	10
\$100,000	\$100,000	1,320,000	10

Reveal a "\$500 BURST" (WIN500) symbol, win \$500 instantly!

Reveal a "\$500 BURST" (WIN500) symbol in the FAST \$500 area, win \$500 instantly! FAST \$500 is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Whole Lotta \$500s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Whole Lotta \$500s, prize money from winning Whole Lotta \$500s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Whole Lotta \$500s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Whole Lotta \$500s or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 17-1177. Filed for public inspection July 14, 2017, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the 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>Final-Omit Reg. No.</i>	<i>Agency / Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-97	Pennsylvania Liquor Control Board Intermunicipal Transfer of Retail Licenses	6/29/17	8/24/17
<i>Final Reg. No.</i>	<i>Agency / Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5514	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties—Accountants	6/30/17	8/24/17
16A-4413	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties—Podiatrists	6/30/17	8/24/17
16A-5513	State Board of Accountancy Act 73 and Act 15 Amendments	6/30/17	8/24/17

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-1178. Filed for public inspection July 14, 2017, 9:00 a.m.]



## INSURANCE DEPARTMENT

### **Alleged Violation of Insurance Laws; Steven Martorano; Doc. No. SC17-06-017**

Notice is hereby given of the Order to Show Cause issued on June 29, 2017, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(2) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(2) and (20)).

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 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna Fleischauer, Agency ADA Coordinator, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-1179. Filed for public inspection July 14, 2017, 9:00 a.m.]

### **Appeal of Mike's Auto & Truck under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2016-0023(F); Doc. No. UT17-06-015**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for August 9, 2017, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 7, 2017. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

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, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before July 24, 2017. Answers to preliminary motions, protests, petitions to intervene or

notices of intervention, if any, shall be filed on or before August 7, 2017.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Human Resources at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-1180. Filed for public inspection July 14, 2017, 9:00 a.m.]

### **John Hancock Life Insurance Company (USA); Rate Increase Filing for LTC Form ICC10-LTC-11 (MULF-131066185)**

John Hancock Life Insurance Company (USA) is requesting approval to increase the premium 19.4% on 375 policy holders of LTC Policy ICC10-LTC-11.

Unless formal administrative action is taken prior to September 28, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](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. 17-1181. Filed for public inspection July 14, 2017, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### **Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Executive Board*

Resolution No. CB-17-018, Dated June 16, 2017. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Pennsylvania Social Services Union, affiliated with Service Employees International Union, AFL-CIO. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

Resolution No. CB-17-019, Dated June 15, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Federation of State Cultural and Educational Professionals (FOSCEP), Local 2382, American Federation of Teachers Pennsylvania, AFL-CIO. The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

Resolution No. CB-17-020, Dated June 16, 2017. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Federation of State Cultural and Educational Professionals (FOSCEP), Local 2382, American Federation of Teachers Pennsylvania, AFL-CIO. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

*Governor's Office*

Manual No. 530.21—State Employee Combined Appeal Procedures Manual, Dated June 12, 2017.

Manual No. 580.2—Furlough of Classified Service Employees Not Covered by Labor Agreements, Amended June 13, 2017.

Management Directive No. 530.23—State Employee Combined Appeal, Amended June 12, 2017.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 17-1182. Filed for public inspection July 14, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. 1st Choice Limousine & Transportation Group, LLC; C-2015-2479218**

**Final Order**

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa.C.S. § 332(h), the decision of Administrative Law Judge Christopher P. Pell dated April 14, 2017, has become final without further Commission action;

*Therefore,*

*It Is Ordered That:*

1. The violation averred by the Commission's Bureau of Investigation and Enforcement in the Complaint filed

against 1st Choice Limousine & Transportation Group, LLC, at Docket No. C-2015-2479218, is sustained;

2. Within thirty (30) days of the entry date of the Commission's final order in this matter, 1st Choice Limousine & Transportation Group LLC, shall remit \$500 payable by check, money order, or certified funds, to:

Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA, 17105-3265

3. The Secretary's Bureau mark this proceeding closed.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1183. Filed for public inspection July 14, 2017, 9:00 a.m.]

**Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Four Seasons Limousine Service, Inc.; C-2015-2473651**

**Final Order**

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa.C.S. § 332(h), the decision of Administrative Law Judge Angela T. Jones dated April 20, 2017, has become final without further Commission action;

*Therefore,*

*It Is Ordered That:*

1. The formal complaint filed by the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission against Four Seasons Limousine Service, Inc., at C-2015-2473651 is sustained.

2. Four Seasons Limousine Service, Inc. shall pay a civil penalty of six thousand dollars (\$6,000.00) for violation of the Public Utility Code, 66 Pa.C.S. §§ 501(c) and 512 and 52 Pa. Code §§ 32.2(c), 32.11 and 32.12, by certified check or money order, within twenty (20) days after service of the Commission's order, made payable to Commonwealth of Pennsylvania and forwarded to:

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

3. Four Seasons Limousine Service, Inc. shall cease and desist from further violations of the Public Utility Code and the Public Utility Commission's regulations.

4. The certificate of public convenience at A-2008-2055287 remains cancelled until Four Seasons Limousine Service, Inc., complies with ordering paragraph 2 above and pays the civil penalty in full and any other outstanding fine, fee, civil penalty that is outstanding and owed as directed by the Commission.

5. The record at Docket No. C-2015-2473651 shall be marked closed.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1184. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held  
May 18, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr., joint statement follows, dissenting; Robert F. Powelson, joint statement follows, dissenting; David W. Sweet

*Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; M-2017-2582552; M-00900239*

### Opinion and Order

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the annual recalculation of the Pennsylvania Telecommunications Relay Service (TRS or Relay)<sup>1</sup> and surcharge funding mechanism (TRS surcharge) as it will apply to residential and business wireline access lines for July 1, 2017 through June 30, 2018. This recalculation is made in accordance with our May 29, 1990 Order at Docket No. M-00900239 (May 1990 Order) and subsequent Commission orders and legislation.<sup>2</sup> For the reasons stated herein, the monthly residential and monthly business access line surcharge will remain at \$0.08.

### Background

TRS provides telephone transmission services that allow for qualified persons with a hearing or visual impairment who require appropriate technology in order to access telecommunications services to communicate by wire or radio in a functionally equivalent manner as non-disabled persons. The Commission is charged with designing and implementing the TRS program to meet, at a minimum, the requirements of the Americans with Disabilities Act of 1990 and Section 225 of the Federal Telecommunications Act of 1996, 47 U.S.C. § 225 (TA96). In TA96, Congress addressed common carrier obligations to provide service to hearing or speech impaired individuals in compliance with federal mandates governing interstate and intrastate telecommunications and state certification that their programs comply with federal mandates.

In addition to providing equipment at no charge to qualified individuals that allows them to engage in telecommunications access on a functionally equivalent basis as non-impaired individuals, the program provides public education so that consumers are more familiar with, and can use, TRS to access the Public Switched Network (PSN), a network that provides telecommunications and broadband access, and other telecommunications services. Currently the TRS surcharge funds three individual programs: Relay (TTY style, Speech-to-Speech, Spanish Relay, and Captioned Telephone Relay Service (CTRS)); TDDP; and the Wireless Equipment Initiative (WEI) two-year pilot program. Additionally, the surcharge funds the PMASP, the TRS Advisory Board activities, and Fund administration costs. Administration of the TRS

program is tasked to the Executive Director of the Office of Vocational Rehabilitation (OVR) of the Department of Labor and Industry.

By statute the Commission is charged with annually calculating the TRS program surcharge based on an annual budget. The surcharge in its present form is assessed at \$0.08 per wireline residential and business access line per month, or generally \$0.96 per year for a typical residential customer. The annual TRS surcharge recalculation is dependent on data from several sources. Local Exchange Carriers (LECs)<sup>3</sup> submit annual wireline access line counts pursuant to 52 Pa. Code § 63.37. The traditional relay provider, Hamilton Relay, Inc.,<sup>4</sup> submitted the estimated minutes of use and charges for July 1, 2017, through June 30, 2018. Hamilton Telephone Company d/b/a Hamilton Telecommunications submitted the estimated minutes-of-use report for CTRS. OVR submitted the 2017-2018 TDDP budget and the 2017-2018 PMASP budget. U.S. Bank,<sup>5</sup> the Fund Administrator, provided a statement of the financial status of the Fund.<sup>6</sup>

### Discussion

#### Surcharge for 2017—2018

As noted above, the WEI is a two-year pilot program. This program was initiated by an order of this Commission in Petition of Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania, et al., Docket No. P-2015-2484229, et al. (Order entered July 8, 2015) (July 2015 Order), and pursuant to the UTPMAA. Because the UTPMAA includes communications service by wire or radio, we authorized this pilot to acknowledge the evolving landscape of telecommunications services from exclusively traditional landline based wireline facilities to multiple technology-based communications services, including but not limited to wireless and Voice over Internet Protocol services, and to test our need to further our obligations under federal and state law to provide services to the disabled under an increasingly changing technological construct.

Under the pilot WEI, we authorized the conduct and funding of a project designed to test the availability and use of wireless devices by a limited number of eligible Pennsylvanians with disabilities for a limited period. Specifically this test involved the participation of thirty individuals in the first test year, and sixty in the second and final test year. The related wireless devices and education are supported from and distributed to eligible end-users through the existing TDDP. The first thirty eligible individuals received their wireless devices on May 3, 2016. Accordingly, the program will not have completed its two-year pilot until May of 2018.

Further, under the WEI pilot, we built in reporting requirements meant to assess the program. No later than eighteen months after the commencement of the WEI pilot, or by November 2017, the OVR is required to file an interim report with the Commission evaluating the pilot and making recommendations for actions to be taken at

<sup>3</sup> LECs include both incumbent and competitive local exchange carriers.

<sup>4</sup> Hamilton Relay, Inc. (Hamilton) holds the TRS Certificate of Public Convenience to provide TRS throughout the Commonwealth of Pennsylvania. The Commission approved Hamilton's Application filed at A-2014-2447601 by order entered December 4, 2014.

<sup>5</sup> As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

<sup>6</sup> Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. TRS Advisory Board expenses, CTRS, and outreach activities are funded from the Relay account; TRS Fund administration costs are drawn from each respective account.

<sup>1</sup> Additional information on TRS may be found at [http://www.puc.pa.gov/utility\\_industry/telecommunications/telecommunications\\_relay\\_service.aspx](http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service.aspx).

<sup>2</sup> See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telecommunication Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP). PMASP is a reading service for persons with certain vision-related physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act" (UTPMAA).



the end of the two-year pilot. Sixty days thereafter our Staff is required to submit a report to the Commission including its own recommendations and any recommendations proposed by the OVR on what, if any, action is appropriate.

The estimated and actual access lines assessed to support this TRS program, including the WEI pilot, have declined markedly from 2011 through 2016, from approximately 6.1 million as of December 31, 2011, to approximately 4.7 million 5 years later. Further, the current WEI is funded exclusively by wireline assessments with no contribution from the wireless providers who provide service to WEI consumers, an issue we recognized in authorizing the pilot but for which we then deferred, and continue to defer, action through at least the full conduct of the pilot.<sup>7</sup>

Moreover, the Federal Communications Commission (FCC) has initiated a proposed rulemaking where it contemplates the shifting of certain federal TRS program costs associated with the Internet Protocol Captioned Telephone Service ((IP CTS)—currently considered a jurisdictionally interstate service even though it also has an intrastate component) to the states. Although the FCC has not yet acted on this proposed rulemaking, as recently as May 10, 2017, the FCC issued a Public Notice seeking comments on federal TRS-related rates, including the interstate/intrastate IP CTS. As long as this matter remains open before the FCC, there is a substantial risk for Pennsylvania that the FCC may effectuate a jurisdictional cost shift from the federal to the state level because of the observable growth in IP CTS use.<sup>8</sup>

Given the uncertainties that exist with respect to the nature of the program going forward, the desire to evaluate the carrier assessment pool, and potential cost changes at the federal level, we prefer to take a cautious approach today in setting the TRS surcharge for next year, and for that reason we shall make no change to the current \$0.08 per line per month charge. Retention of the current surcharge pending further resolution of these uncertainties ensures that the program will have sufficient resources to support whatever decisions we may make to WEI after the WEI pilot program has been completed, and that we are able to respond to potential significant cost increases to the program should the FCC ultimately allocate certain IP CTS costs currently borne by the federal TRS program to the states.

All TRS surcharge revenues shall continue to be remitted to the Fund Administrator.<sup>9</sup> Because the 2017-18 surcharge will remain at the same monthly rate of \$0.08 that was previously approved for the 2016-17 period for each residence and business access line, it will not be necessary for telephone companies to file tariff revisions or supplements as a result of today's decision. Effective July 1, 2017, the monthly surcharge allocation for each fund account will be as follows:<sup>10</sup>

<sup>7</sup> As we stated in our July 2015 Order: "Certain commenting parties have addressed issues pertaining to the future funding of TDDP wireless device availability on a permanent and statewide basis from the TRS Fund. We are fully cognizant of these issues but will not address them at this time. Rather, we will address them in due course in collaboration with OVR and Temple University [which serves as administrator of the TDDP on behalf of OVR]." July 2015 Order at 14.

<sup>8</sup> See *In re Misuse of Internet Protocol (IP) Captioned Telephone Service*, et al., CG Docket No. 13-24 et al., (FCC Rel. August 26, 2013), Report and Order and Further Notice of Proposed Rulemaking, slip op. FCC 13-118, ¶¶ 131–40, at 62–65. See also FCC Public Notice, *Rolka Loube Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay Services Fund for the 2017-18 Fund Year*, CG Docket Nos. 03-123 & 10-51, DA 17-445, May 10, 2017, at 1, 4.

<sup>9</sup> U.S. Bank Institutional Trust & Custody, Attn: Dina Buccieri, 50 S. 16th Street, Suite 2000, Philadelphia, PA 19102. Remittances are payable to the "PA Relay Service Fund" and designated for Relay. Bank wire instructions can be found on the remittance form.

<sup>10</sup> The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay, TDDP, and PMASP).

TRS Component	2017-2018	
	Percentage of Monthly Surcharge Residence (%)	Business (%)
Relay	85.0	85.0
TDDP	10.0	10.0
PMASP	5.0	5.0
Total Percentage	100.0	100.0

#### Operations for 2017–2018

We shall continue our active oversight of the operations of the Pennsylvania Telecommunications Relay Service. In accordance with 35 P.S. §§ 6701.3a & 4, we shall continue to collaborate with OVR and its TDDP administrator<sup>11</sup> to ensure adequate funding for distribution of TDDP equipment to qualified Pennsylvanians. Further, we shall continue to assist OVR in its mission to ensure adequate funding for PMASP.

#### Audits

On July 7, 2015, the Commission's Bureau of Audits (Audits) issued the audit report for TDDP and PMASP covering the twelve-month periods ended June 30, 2013, and June 30, 2012, at Docket No. D-2014-2406981.

Audits has also completed the audit of the TRS Program (collection and disbursement of the TRS funds) for the twelve-month periods ended February 29, 2016, February 28, 2015, February 28, 2014, and February 28, 2013, and the audit report is in the final stages of preparation.

#### Service of Paper Copies

In the past, our practice has been to serve the annual TRS surcharge recalculation order on every LEC in the Commonwealth, in addition to the service providers, Office of Vocational Rehabilitation, Office of Consumer Advocate, Office of Small Business Advocate, Pennsylvania Telephone Association, and the Fund Administrator. As proposed in the TRS Surcharge Recalculation order at Docket No. M 2013-2341301, entered May 23, 2013, service of paper copies of the recalculation orders on the LECs will only henceforth be served if there is a change in the TRS surcharge or other provision in the order requiring that the LECs file a tariff change or take other action. As this order does not change the set surcharge rate or require any other tariff changes in response to this order, paper copies will not be served. Additionally, we will continue to publish the recalculation orders in the *Pennsylvania Bulletin* and on the Commission's website.

#### Conclusion

We have completed the annual recalculation of the TRS Surcharge. The surcharge to be applied beginning July 1, 2017, through June 30, 2018, will remain at \$0.08 per month for residential and business access lines. We also note that paper copies of this order will not be served on the LECs as there is no change in the set surcharge rate or to impose new requirements on the LECs requiring tariff changes in response to this Order; *Therefore*,

#### It Is Ordered That:

1. For the period of July 1, 2017, through June 30, 2018, the monthly TRS surcharge rate shall be \$0.08 for residence and business, unless we take further action to revise the TRS surcharge prior to June 30, 2018.

2. All local exchange carriers are directed to use the attached blank form, which contains the new mailing

<sup>11</sup> Since January 1, 2007, the TDD program has been administered by Pennsylvania's Initiative on Assistive Technology, Institute on Disabilities, Temple University.



address, to remit the monthly TRS surcharge collections to U.S. Bank, Institutional Trust & Custody. The entered Order and blank remittance form shall be posted to the PUC web site <http://www.puc.pa.gov>. All local exchange carriers are required to collect and remit the TRS surcharge revenue with the completed remittance form monthly by the 20th of each month.

3. A copy of this Order be published in the *Pennsylvania Bulletin*.

4. A copy of this Order be posted to the Commission's website.

ROSEMARY CHIAVETTA,  
Secretary

### REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS

Effective July 1, 2017 through June 30, 2018

M-2017-2582552

All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month using the following format for the monthly remittance:

#### *Pennsylvania TRS Surcharge*

For the Month Ending \_\_\_\_\_

Number of Residential access lines \_\_\_\_\_  
× \$0.08 per line \_\_\_\_\_

Allocated:

TRS Relay 85.0 percent \_\_\_\_\_  
TDDP 10.0 percent \_\_\_\_\_  
PMASP 5.0 percent \_\_\_\_\_

Number of Business access lines \_\_\_\_\_  
× \$0.08 per line \_\_\_\_\_

Allocated:

TRS Relay 85.0 percent \_\_\_\_\_  
TDDP 10.0 percent \_\_\_\_\_  
PMASP 5.0 percent \_\_\_\_\_  
Total Remittance \_\_\_\_\_

Make check payable to: Pennsylvania TRS Fund

Mail Report and payment to:	Wire Instructions:
U.S. Bank Institutional Trust & Custody Attn: Dina Buccieri 50 S. 16th Street, Suite 2000 Philadelphia, PA 19102	BANK U.S. Bank N.A ADDRESS 60 Livingston Avenue, St Paul MN 55107-2292 ABA 091 000 022 BNF ITC Depository South & East ACCOUNT 173 103 781 832 OBI PA Relay ATTN: Dina Buccieri

Remittance for:

Company Name: \_\_\_\_\_

Utility Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Voice Phone Number: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

E-mail address \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please direct any questions regarding the TRS Surcharge remittance to Mr. Eric Jeschke at (717) 783-3850 or [ejeschke@pa.gov](mailto:ejeschke@pa.gov).

**Joint Statement of Commissioners Robert F. Powelson and John F. Coleman, Jr.**

Before the Pennsylvania Public Utility Commission (Commission) is the establishment the Pennsylvania Telecommunications Relay Service (TRS or Relay) surcharge funding mechanism (TRS surcharge) for the period July 1, 2017 through June 30, 2018.

The monthly surcharge is based principally on the anticipated costs of providing calling services and equipment to individuals that are deaf, hard of hearing, deaf-blind or have difficulty speaking, to make and receive telephone calls. The monthly surcharge funds three individual programs: the Relay service itself, the Telecommunications Device Distribution Program,<sup>12</sup> and the Print Media Access System Program.<sup>13</sup> The current contribution rate to fund these programs is \$.08 per line per month and is assessed upon wireline Incumbent Local Exchange Carrier (ILEC) and Competitive Local Exchange Carrier (CLEC) customers only.

The problem presented to us today is an embarrassment of riches. Over the past few years, the TRS surcharge has collected from the wireline ILEC and CLEC customers an amount well in excess of the funds expended; so much so that there is currently a consolidated cash balance of almost \$9 million. This cash balance includes a \$1.4 million operating reserve that we have deemed prudent to ensure the smooth operation of these programs and services. The cost to run these programs and services annually is less than \$3.4 million. The over collection has resulted in an approximate \$7.5 million surplus, which is well beyond the operating reserve. In other words, these programs and services could be run for approximately two and one half years with a zero surcharge.

In light of these circumstances, we agree with the staff's prudent recommendation to lower the TRS surcharge rate to \$.04 per line per month so that we can begin the process of reducing the over collection that has been funded by customers. As proposed by staff, this reduction would occur gradually over a 4-year period.

The Joint Motion proposes to leave the surcharge rate at \$.08, which will actually create an even larger over collection. According to staff's forecast, an \$.08 surcharge rate will generate \$4.8 million in revenue this upcoming surcharge year, which will further grow the surplus by over \$1.4 million. As a point of reference, the Commission would never allow a utility to so grossly over collect and then not refund the over collection to customers, particularly when the rationale for keeping the money is complete conjecture.

The rationale in the Joint Motion for setting the TRS surcharge at \$.08 is twofold. First, there is a concern that the Federal Communications Commission (FCC) might shift certain federal TRS program costs to the states. Second, there is a concern that the Commission, in the future, might decide to expand what is currently a limited pilot program of distributing iPad Air 2 and iPhone 7 devices into a permanent wireless equipment distribution program.<sup>14</sup> We acknowledge that facilitating access to

TRS for some of Pennsylvania's most vulnerable citizens is a laudable objective. However, we do not support growing the currently excessive surplus on such speculative grounds.

Moreover, the Commission's ability to respond adequately to any changes to TRS at the federal level or to proceed with a permanent wireless device distribution program, if so desired, would not be compromised by reducing the surcharge to \$.04. We note that staff is not proposing to refund the surplus to wireline customers all at once or to reduce the surcharge to \$.00; rather, the reduction is to occur gradually over a 4-year period, meaning a surplus will remain for some time. In addition, the TRS surcharge is set on an annual basis, which means that any need for additional funding in the future can be adequately addressed in future surcharge years. For these reasons, we do not believe it is necessary to retain the current surcharge amount to support whatever decisions are made on the wireless equipment pilot program or to respond if the FCC ultimately allocates additional TRS-related costs to the states.

We also are concerned about keeping money paid by wireline end-user customers to potentially pay for the purchase and distribution of iPads or similar wireless equipment, especially without any indication that the wireless industry will contribute any money whatsoever to this effort, particularly when it expands their business. In our view, keeping this money for the purposes stated in the Joint Motion opens the door to an improper subsidy of one technology by another.

We note that currently, there is no mechanism for the wireless industry to contribute financially to TRS in Pennsylvania. Establishing a TRS "war chest" that has the potential to grow the cash balance to more than \$10 million sends the message that a financial contribution from the wireless industry is not necessary, making it that much less likely that the wireless carriers will even be asked to contribute. This is a message we do not want to send.

Indeed, this message directly contradicts what the Commission said two years ago when we approved the wireless device pilot program: "We hereby encourage OVR and Temple University to seek, obtain, and utilize available federal funding sources under applicable federal law, regulations, or administrative agency decisions that may partially defray or otherwise minimize the monetary disbursements required from the TRS Fund for the implementation of the proposed wireless TDDP Pilot."<sup>15</sup>

For these reasons, we do not believe keeping the TRS Surcharge at \$.08 per line per month is in the public interest.

ROBERT F. POWELSON,  
*Commissioner*

JOHN F. COLEMAN, Jr.,  
*Commissioner*

[Pa.B. Doc. No. 17-1185. Filed for public inspection July 14, 2017, 9:00 a.m.]

<sup>12</sup> This program provides specialized telecommunications devices, such as text telephones and amplifiers, at no charge to qualifying persons who are deaf or hard of hearing, or with speech and language disorders, or with a physical disability that prevents them from using standard telecommunication equipment.

<sup>13</sup> This program is a reading service for persons with certain vision-related physical disabilities.

<sup>14</sup> Currently, the Commission has a Wireless Equipment Initiative pilot program, which is a 2-year pilot program to distribute a limited number of wireless devices to qualified users in the Philadelphia area. The pilot seeks to evaluate the use of wireless

devices and help determine whether there should be a permanent, statewide wireless device distribution program. The pilot program was approved by the Commission in July 2015.

<sup>15</sup> Petition of Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania, Pennsylvania Telecommunications Relay Service and Pennsylvania Telecommunications Relay Service—2015, Docket Nos. P-2015-2484229, M-00900239 and M-2015-2460700 (July 8, 2015) at 14.

### 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 July 31, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

**A-2017-2606971. Justin Joseph Jalbert, t/a Skookie Rides Referral** (265 Wallace Street, Pottsville, PA 17901) paratransit service, between points in the City of Pottsville, Schuylkill County and within a radius of 75 statute air miles of the boundaries of said city.

#### Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

**A-2017-2612170. Safe Transportation Group, LLC, t/a Prime on Time and Corporate Express Cab** (1000 Integrity Drive, Suite 350, Pittsburgh, Allegheny County, PA 15235) for the right to transport as a common carrier, by motor vehicle, persons upon call or demand, between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington and Westmoreland. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 231, Pittsburgh, PA 15219-2383.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1186. Filed for public inspection July 14, 2017, 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 July 31, 2017, 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. F A A B Trucking, LLC; Docket No. C-2017-2599207**

##### 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 F A A B Trucking, LLC, (respondent) is under suspension effective April 02, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 173 Princeton Place, Williamstown, NJ 08094-1548.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 06, 2016, at A-8918626.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918626 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: 4/27/2017

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. 17-1187. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Telecommunications Services

**A-2017-2597134. Citizens Telecom Solutions, LLC.** Application of Citizens Telecom Solutions, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of all 35 rural incumbent local exchange carriers.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 31, 2017. 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.

*Applicant:* Citizens Telecom Solutions, LLC

*Through and By Counsel:* Charles E. Thomas, III, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1188. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Telecommunications Services

**A-2017-2607469. ITC Global Networks, LLC.** Application of ITC Global Networks, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of all 37 incumbent local exchange carriers 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 July 31, 2017. 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.

*Applicant:* ITC Global Networks, LLC

*Through and By Counsel:* James H. Lister, Esq., Birch, Horton, Bitter and Cherot, PC, 1156 15th Street, NW, Suite 1020, Washington, DC 20005

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1189. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Telecommunications Services

**A-2017-2605601. Level 3 Communications, LLC.** Application of Level 3 Communications, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of TDS Telecom/Mahanoy and Mahantango Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 31, 2017. 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.

*Applicant:* Level 3 Communications, LLC

*Through and By Counsel:* Edward G. Lanza, The Lanza Firm, LLC, P.O. Box 61336, Harrisburg, PA 17106-1336

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1190. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Transfer Control

**A-2017-2611796. GTT Americas, LLC, Pivotal Global Capacity, LLC and GC Pivotal, LLC, d/b/a Global Capacity.** Joint application of GTT Americas, LLC, Pivotal Global Capacity, LLC and GC Pivotal, LLC, d/b/a Global Capacity for approval to transfer control of GC Pivotal, LLC, d/b/a Global Capacity to GTT Americas, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 31, 2017. 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:* GTT Americas, LLC; Pivotal Global Capacity, LLC; GC Pivotal, LLC, d/b/a Global Capacity

*Through and By Counsel:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; Andrew D. Lipman, Esquire, Brett P. Ferenczak, Esquire, Stephany Fan, Esquire, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004-2541; Katherine K. Mudge, Esquire, Enoch Keever, PLLC, Bridgepoint Plaza, 5918 West Courtyard Drive, Suite 500, Austin, TX 78730

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1191. Filed for public inspection July 14, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Petition for Changes to Taxicab Tariff; Doc. No. 17-004

#### Order

*By the Authority:*

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.<sup>1</sup> The Authority is empowered to conduct rate investigations and determine the uniform rate that shall be charged by all taxicabs authorized to provide call or demand service in Philadelphia.<sup>2</sup>

On March 31, 2017, the Authority authorized the Taxicab and Limousine Division ("TLD") to reopen a rate investigation to gather information and comment concerning the petition that was filed with the TLD seeking certain specific amendments to the taxicab tariff.<sup>3</sup> After repeated notices were issued by the TLD seeking written comments from the taxicab and limousine industry members, the general public and the Taxicab and Limousine Advisory Committee, and having held a public meeting, and upon review of all information received, the TLD submitted a recommendation to amend the taxicab tariff as outlined below.

*Now, Therefore, Be It Resolved and Ordered* by the Board of the Authority as follows:

#### Section 1. Boundaries of Center City Zone.

(a) Upon review of the recommendation of TLD staff, the boundaries for the "flat-rate" zone for all medallion taxicab trips between the Center City zone and Philadelphia International Airport are to be amended as follows:

"The area between the Schuylkill and Delaware Rivers and between Washington Avenue on the south and Fairmount Avenue on the north. West of the

<sup>1</sup> See the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the "act").

<sup>2</sup> See 53 Pa.C.S. §§ 5703 and 5720 (relating to rates, wages).

<sup>3</sup> See TLD Docket No. P-17-02-01 Petition for Rate Change, filed by taxicab driver Ronald Blount on February 24, 2017.

Schuylkill River, the northern boundary continues west along the north side of 30th Street Station on 2900 Arch Street then southward on 30th Street to its intersection with Market Street. The boundary proceeds west along the north side of Market Street to 48th Street, south on 48th Street to Spruce Street and east on Spruce Street to its intersection with South Street.”

(b) The changes to the “flat-rate” zone shall be effective on July 1, 2017.

(c) All rates as outlined in the current taxicab tariff shall remain unchanged.

## Section 2. Action by Taxicab and Limousine Division.

(a) The TLD staff shall ascertain that the new boundaries are posted in all medallion taxicabs.

(b) The TLD staff shall broadcast this notice to all members of the taxicab and limousine industry by email as well as posting it on the Authority’s website and within TLD Headquarters along with depositing this Order with the *Pennsylvania Bulletin* for publishing.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-1192. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Request for Bids

The Philadelphia Parking Authority released Bid No. 17-14, Proposed Parking Lots at Ben Franklin Bridge, 2 Prime Contractors—General Contractor and Electrical Contractor, for interested vendors on Friday, July 14, 2017. Information can be obtained from the web site [www.philapark.org](http://www.philapark.org) or by calling Mary Wheeler at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-1193. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority’s (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD’s Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than July 31, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection with TLD Director Christine Kirlin, Esq. between 9 a.m. and 4 p.m., Monday through Friday at the TLD. Individuals may contact Christine Kirlin at (215) 683-9653 to make an appointment. Otherwise, the application may be inspected at the business address of the respective applicant.

**Doc. No. A-17-06-02. Rina Trans, Inc.** (6918 Ruskin Lane, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-1194. Filed for public inspection July 14, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Rosalyn M. Dilly, LPN; File No. 16-51-10702; Doc. No. 0771-51-17

On April 28, 2017, Rosalyn M. Dilly, LPN, license No. PN101262L, last known of York, York County, was automatically suspended for 1 year based on her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, 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.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-1195. Filed for public inspection July 14, 2017, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Janice Epstein, RN; File No. 15-51-00681; Doc. No. 0609-51-17

On April 28, 2017, Janice Epstein, RN, license No. RN246193L, of King of Prussia, Montgomery County, was automatically suspended for 3 years based on her misdemeanor convictions under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, 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.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-1196. Filed for public inspection July 14, 2017, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at June Meeting

As part of its regular business meeting held on June 16, 2017, in Entriken, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on June 16, 2017.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission's web site at [www.srbc.net](http://www.srbc.net).

### Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) election of the member from the Federal government as Chair of the Commission and the member from the State of New York as the Vice Chair of the Commission for the period of July 1, 2017, to June 30, 2018; 2) adoption of Fiscal Year (FY) 2018 Regulatory Program Fee Schedule, effective July 1, 2017; 3) adoption of a preliminary FY 2019 budget for the period July 1, 2018, to June 30, 2019; 4) authorization to execute a treasury management services agreement with First National Bank; 5) approval/ratification of a grant agreement, two contracts and a bank loan payoff; 6) approval of a rulemaking action to clarify application requirements and standards for review of projects, amend the rules dealing with the mitigation of consumptive uses, add a subpart to provide for registration of grandfathered projects and revise requirements dealing with hearings and enforcement actions; 7) denied a request for waiver from EOG Resources, Inc.; 8) tabled a request for waiver from Middletown Borough; 9) approval to extend the term of an emergency certificate with Susquehanna Nuclear, LLC until terminated by the Executive Director; 10) adoption of the FY 2018-2019 Water Resources Program; 11) adoption of amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; and 12) a report on delegated settlements with the following project sponsors, under SRBC Resolution 2014-15: Albany International Corp., in the amount of \$8,500; and Tanglewood Manor, Inc. in the amount of \$2,500.

### Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Town of Big Flats, Chemung County, NY. Groundwater withdrawal of up to 0.778 mgd (30-day average) from Well 1-1.

2. Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130603).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130303).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130304).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.715 mgd (peak day).

6. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.

7. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.

8. Project Sponsor and Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, PA. Modification to request a combined withdrawal limit for Well 1, Cocalico Creek, and Mountain Home Springs of 2.310 mgd (30-day average) (Docket No. 20110902).

9. Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20130613).

10. Project Sponsor and Facility: Kraft Heinz Foods Company, Town of Campbell, Steuben County, NY. Renewal of groundwater withdrawal of up to 0.299 mgd (30-day average) from Well 3 (Docket No. 19860203).

11. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and revise the passby to be consistent with current Commission policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

12. Project Sponsor: P.H. Glatfelter Company. Project Facility: Paper/Pulp Mill and Cogen Operations (Codorus Creek), Spring Grove Borough, York County, PA. Renewal of surface water withdrawal of up to 16.000 mgd (peak day) (Docket No. 19860602).



13. Project Sponsor: P.H. Glatfelter Company. Project Facility: Paper/Pulp Mill and Cogen Operations, Spring Grove Borough, York County, PA. Renewal of consumptive water use of up to 0.900 mgd (peak day) (Docket No. 19860602).

14. Project Sponsor and Facility: Rausch Creek Land, L.P., Porter Township, Schuylkill County, PA. Renewal of groundwater withdrawal of up to 0.100 mgd (30-day average) from Pit # 21 (Docket No. 20120612).

15. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Towanda Creek), Franklin Township, Bradford County, PA. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20130311).

16. Project Sponsor and Facility: Spring Township Water Authority, Spring Township, Centre County, PA. Groundwater withdrawal of up to 0.499 mgd (30-day average) from Cerro Well.

17. Project Sponsor and Facility: Warren Marcellus, LLC (Susquehanna River), Washington Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130305).

#### *Project Applications Tabled*

The Commission tabled action on the following project applications:

1. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Minor modification to add new sources (Wells PW-1 and PW-6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

2. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW-1.

3. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW-6.

4. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

5. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

6. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

#### *Project Applications Approved Involving a Diversion*

1. Project Sponsor and Facility: City of DuBois, Union Township, Clearfield County, PA. Modification to the diversion from Anderson Creek Reservoir by expansion of the existing service area as a result of interconnection and bulk water supply to Falls Creek Borough Municipal Authority (Docket No. 20060304).

2. Project Sponsor: Seneca Resources Corporation. Project Facility: Impoundment 1, receiving groundwater from Seneca Resources Corporation Wells 5H and 6H and Clermont Wells 1, 2, North 2—4, Norwich and Sergeant Townships, McKean County, PA. Modification to add four additional sources (Clermont North Well 1, Clermont North Well 3, Clermont South Well 7 and Clermont South

Well 10) and increase the into-basin diversion from the Ohio River Basin by an additional 1.044 mgd (peak day), for a total of up to 3.021 mgd (peak day) (Docket No. 20141216).

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* June 27, 2017

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 17-1197. Filed for public inspection July 14, 2017, 9:00 a.m.]

## Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on August 3, 2017, at 2:30 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a request for waiver of 18 CFR 806.6(a)(5) and (b) (relating to transfer of approvals) by Middletown Borough, as well as a proposed guidance for alternatives analysis. These projects, request and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 7, 2017, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects, request and proposals. The deadline for the submission of written comments is August 14, 2017.

For further information contact Jason Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <http://mdw.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/pubinfo/docs/2009-02\\_Access\\_to\\_Records\\_Policy\\_20140115.pdf](http://www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf).

#### *Supplementary Information*

The public hearing will cover a request for waiver of 18 CFR 806.6(a)(5) and (b) by Middletown Borough, tabled at the Commission's business meeting held June 16, 2017, as well as a proposed guidance for alternatives analysis, as posted on the Commission's Public Participation Center webpage at [www.srbc.net/pubinfo/publicparticipation.htm](http://www.srbc.net/pubinfo/publicparticipation.htm). The public hearing will also cover the following projects:

#### *Projects Scheduled for Action*

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Springville Township, Susquehanna County, PA. Application for renewal with modification of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130904).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130905).



3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20130906).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Terry Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20130907).

5. Project Sponsor and Facility: Chief Oil & Gas, LLC (Towanda Creek), Leroy Township, Bradford County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

6. Project Sponsor and Facility: Downs Racing, LP, d/b/a Mohegan Sun Pocono, Plains Township, Luzerne County, PA. Application for consumptive use of up to 0.350 mgd (peak day).

7. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 6 (Docket No. 19861103).

8. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 7.

9. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough and Mount Joy Township, Lancaster County, PA. Modification to correct total system limit to remove inclusion of water discharged to the Conewago watershed to offset passby and transfer of water from Conewago Creek to Back Run (Docket No. 20160903).

10. Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, PA. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from Well 14R.

11. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Modification to increase consumptive use by an additional 0.408 mgd (peak day), for a total consumptive use of up to 0.500 mgd (peak day) (Docket No. 20150907).

12. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20130913).

13. Project Sponsor and Facility: Susquehanna Nuclear, LLC, Salem Township, Luzerne County, PA. Modification to increase consumptive use by an additional 5.000 mgd (peak day), for a total consumptive use of up to 53.000 mgd (peak day) (Docket No. 19950301).

14. Project Sponsor and Facility: Susquehanna Nuclear, LLC (Susquehanna River), Salem Township, Luzerne County, PA. Modification to increase surface water withdrawal by an additional 10.000 mgd (peak day), for a

total surface water withdrawal increase of up to 76.000 mgd (peak day) (Docket No. 19950301).

15. Project Sponsor and Facility: SWEPI, LP (Elk Run), Sullivan Township, Tioga County, PA. Application for surface water withdrawal of up to 0.646 mgd (peak day).

16. Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20130911).

17. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Sugarloaf Township, Columbia County, PA. Application for modification to add consumptive use of up to 0.200 mgd (peak day) to existing docket approval (Docket No. 20160913).

18. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Sugarloaf Township, Columbia County, PA. Application for modification to change authorized use of source to existing docket approval (Docket No. 20160913).

19. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

20. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

21. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

#### *Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any project, request or proposal listed previously. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing will be posted on the Commission's web site, [www.srb.net](http://www.srb.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any project, request or proposal listed previously may also be mailed to Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through [www.srb.net/pubinfo/publicparticipation.htm](http://www.srb.net/pubinfo/publicparticipation.htm). Comments mailed or electronically submitted must be received by the Commission on or before August 14, 2017, to be considered.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* June 29, 2017

ANDREW D. DEHOFF,  
*Executive Director*

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