



---

Volume 45 (2015)

Pennsylvania Bulletin  
Repository

---

10-3-2015

October 3, 2015 (Pages 5897-6102)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: [http://digitalcommons.law.villanova.edu/pabulletin\\_2015](http://digitalcommons.law.villanova.edu/pabulletin_2015)

---

### Recommended Citation

Pennsylvania Legislative Reference Bureau, "October 3, 2015 (Pages 5897-6102)" (2015). *Volume 45 (2015)*. 40.  
[http://digitalcommons.law.villanova.edu/pabulletin\\_2015/40](http://digitalcommons.law.villanova.edu/pabulletin_2015/40)

This October is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 45 (2015) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact [Benjamin.Carlson@law.villanova.edu](mailto:Benjamin.Carlson@law.villanova.edu).

# PENNSYLVANIA BULLETIN

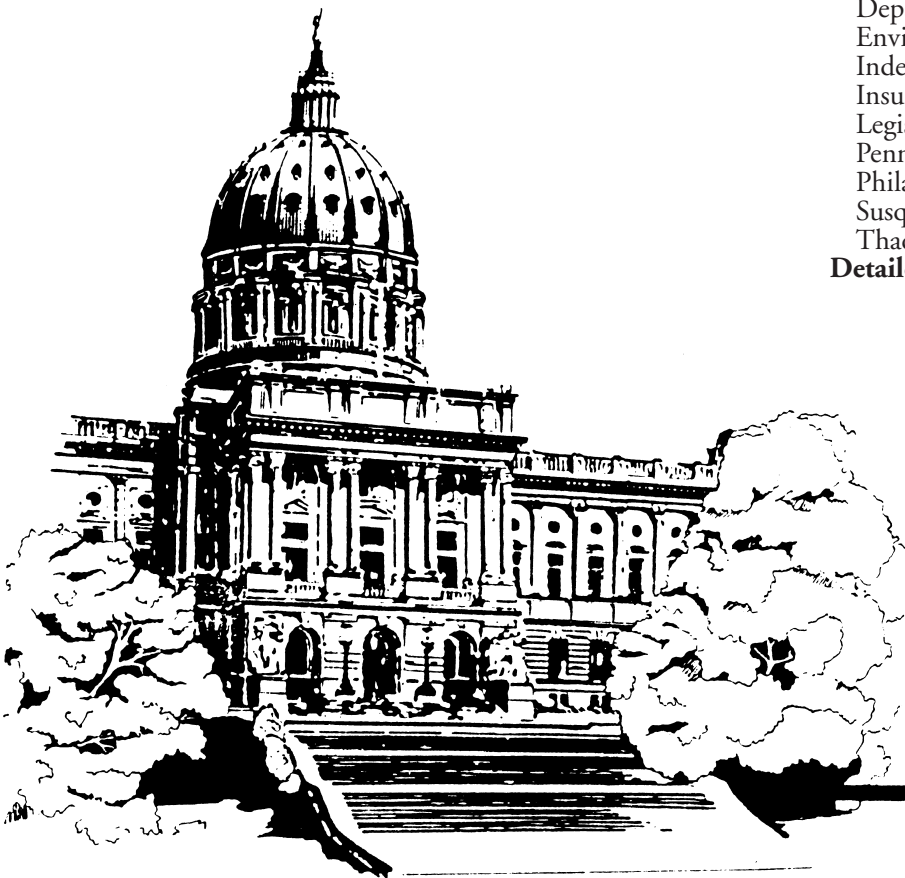
Volume 45  
Saturday, October 3, 2015 • Harrisburg, PA  
Number 40  
Pages 5897—6102

See Part II page 6035  
for the Subject Index for  
January—September 2015

## Part I

### Agencies in this issue

The Courts  
Department of Banking and Securities  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Susquehanna River Basin Commission  
Thaddeus Stevens College of Technology  
**Detailed list of contents appears inside.**



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

**No. 491, October 2015**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE/NEW SUBSCRIPTION**

If information on mailing label is incorrect, please email changes to [info@pabulletin.com](mailto:info@pabulletin.com) or mail to:

FRY COMMUNICATIONS, INC.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$82.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2015 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

### APPELLATE PROCEDURE

Amendments to the Superior Court operating procedures . . . . . 5906

### JUDICIAL SYSTEM GENERAL PROVISIONS

Promulgation of Consumer Price Index pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 448 judicial administration doc. . . . . 5905  
 Promulgation of financial regulations pursuant to 42 Pa.C.S. § 3502(a); No. 449 judicial administration doc. . . . . 5905

### LOCAL COURT RULES

#### Mifflin County

In the matter of local rules 58th judicial district; No. 2 of 2015 . . . . . 5917

### PHILADELPHIA RULES

Prisoner release from September 23, 2015 through September 28, 2015; No. 02 of 2015 . . . . . 5917

### RULES OF CRIMINAL PROCEDURE

Proposed amendment of Pa.R.Crim.P. 540 . . . . . 5915  
 Proposed amendments of Pa.Rs.Crim.P. 490 and 790 . . . . . 5913

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications . . . . . 5960

### DEPARTMENT OF EDUCATION

#### Notices

Cyber charter school applications; public hearings . . 5961

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

2016 Environmental Education Grants Program application announcement . . . . . 6016  
 Applications, actions and special notices . . . . . 5962  
 Availability of technical guidance . . . . . 6017  
 Bid opportunity . . . . . 6018  
 Draft assessment and listing methodology; availability for public comment . . . . . 6018  
 Nutrient Credit Trading Program; credit certification . . . . . 6018  
 Submission date for recycling program development and implementation grants under section 902 of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 . . . . . 6019  
 Technical Advisory Committee on Diesel-Powered Equipment meeting cancellation . . . . . 6021

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Lease office space to the Commonwealth . . . . . 6021

### DEPARTMENT OF HEALTH

#### Notices

Long-term care nursing facilities; request for exception . . . . . 6022  
 Vehicle, equipment and supply requirements for intermediate advanced life support services . . . . . 6022

### DEPARTMENT OF TRANSPORTATION

#### Notices

Bureau of Maintenance and Operations; access route approval . . . . . 6023  
 Transportation Advisory Committee meeting . . . . . 6023

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Remining requirements . . . . . 5920  
 Safe drinking water; revised total coliform rule . . . . . 5943

### INDEPENDENT REGULATORY REVIEW

#### COMMISSION

#### Notices

Action taken by the Commission . . . . . 6023  
 Notice of filing of final rulemakings . . . . . 6024

### INSURANCE DEPARTMENT

#### Notices

Review procedure hearings; cancellation or refusal of insurance . . . . . 6024  
 Review procedure hearings under the Unfair Insurance Practices Act (2 documents) . . . . . 6024, 6025

### LEGISLATIVE REFERENCE BUREAU

#### Statements of Policy

Right-to-Know Law; proposed amendments . . . . . 5959

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Pro forma internal corporate restructuring . . . . . 6025  
 Service of notice of motor carrier applications . . . . . 6025  
 Service of notice of motor carrier formal complaints . 6026  
 Water and wastewater services . . . . . 6030

### PHILADELPHIA REGIONAL PORT AUTHORITY

#### Notices

Request for proposals . . . . . 6030

### SUSQUEHANNA RIVER BASIN COMMISSION

#### Notices

Actions taken at September meeting . . . . . 6030

### THADDEUS STEVENS COLLEGE OF TECHNOLOGY

#### Notices

Request for proposal . . . . . 6032

---

Available Online at <http://www.pabulletin.com>

---

# 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).

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### 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.

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of *Code* and *Bulletin*.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

### 4 Pa. Code (Administration)

#### Adopted Rules

1	653, 766, 1062
6	542, 543, 768, 1064
7	655, 656
7a	656, 1937, 2455

#### Statements of Policy

1	4236
9	561, 1115, 1267, 2719, 3220, 3549, 3714, 4003, 4404, 4778, 4924

### 7 Pa. Code (Agriculture)

#### Adopted Rules

128	308
137b	3311, 4904

### 10 Pa. Code (Banking and Securities)

#### Adopted Rules

57	408
----	-----

### 17 Pa. Code (Conservation and Natural Resources)

#### Adopted Rules

21	5493
23	5493

### 22 Pa. Code (Education)

#### Adopted Rules

121	4163
-----	------

#### Statements of Policy

233	5586
-----	------

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

77	4904
86	4904
87	4904
88	4904
89	4904
90	4904
93	2829
211	4904
806	16

#### Proposed Rules

87	5920
88	5920
90	5920
109	5943
129	4351, 4366
215	1367
901	2611

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

#### Adopted Rules

25	3708
----	------

### 31 Pa. Code (Insurance)

#### Proposed Rules

161	4763
-----	------

### 40 Pa. Code (Liquor)

#### Adopted Rules

3	2594, 5681
7	4761, 5399

#### Proposed Rules

3	5791
5	1850, 5791
7	2479, 2614
11	5791
13	2478

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

#### Adopted Rules

1	2466
27	4911
43b	3360

#### Proposed Rules

5	2887
11	2878
36	4385
37	2368
43b	2704, 2874

### 52 Pa. Code (Public Utilities)

#### Adopted Rules

3	2468
5	2468
23	2468
29	3828
31	2468
32	2468

#### Proposed Rules

53	1264
54	1258
62	2705
1017	2876, 5684

#### Statements of Policy

52	3856
----	------

### 55 Pa. Code (Public Welfare)

#### Statements of Policy

181	1633
-----	------

### 58 Pa. Code (Recreation)

#### Adopted Rules

61	5788
63	1616, 5788
65	1256, 3840, 5788
75	3841
79	5788
97	1616
103	1616
131	560
133	1363
135	2596
139	2596, 2603
141	2604, 2605, 2606, 2607
143	1365
147	1363, 1366, 2606, 2607, 2608, 3362

421a ..... 2829  
 423a ..... 2829  
 425a ..... 2829  
 427a ..... 2829  
 429a ..... 2829  
 431a ..... 2829  
 433a ..... 2829  
 435a ..... 2829  
 437a ..... 2829  
 440a ..... 2829  
 441a ..... 2829  
 461a ..... 2829  
 465a ..... 2358, 2829  
 609a ..... 2829  
 623a ..... 2829  
 633a ..... 2829  
 643a ..... 2829  
 645a ..... 2829

**Proposed Rules**

61 ..... 1619, 3854  
 63 ..... 1619  
 65 ..... 1257, 1619  
 79 ..... 1619  
 97 ..... 3844  
 109 ..... 3844  
 111 ..... 3844  
 115 ..... 3844  
 131 ..... 4921  
 133 ..... 4922  
 135 ..... 1374, 4920  
 139 ..... 1375, 1381  
 141 ..... 1369, 1371, 1372, 1630  
 143 ..... 4919  
 147 ..... 1371, 1372, 1631, 4918, 4919  
 461a ..... 4170  
 463a ..... 4170  
 465a ..... 4170, 4185  
 583 ..... 4185  
 585 ..... 4185  
 587 ..... 4185  
 588 ..... 4185  
 589 ..... 4185  
 590 ..... 4185  
 591 ..... 4185  
 592 ..... 4185  
 593 ..... 4185  
 601a ..... 4170  
 605a ..... 4170  
 607a ..... 4170  
 611a ..... 4185  
 659a ..... 1383  
 667a ..... 4185  
 668a ..... 4185  
 669a ..... 4185  
 670a ..... 4185  
 671a ..... 4185  
 672a ..... 4185  
 673a ..... 4185  
 674a ..... 4185  
 675a ..... 4185  
 676a ..... 4185  
 677a ..... 4764  
 678a ..... 4764

**61 Pa. Code (Revenue)**

**Adopted Rules**

899 ..... 2359

**Proposed Rules**

701 ..... 2362  
 702 ..... 2362  
 703 ..... 2362

**67 Pa. Code (Transportation)**

**Proposed Rules**

71 ..... 2716, 3711  
 83 ..... 2255, 3218

**101 Pa. Code (General Assembly)**

**Statements of Policy**

31 ..... 2051, 5959  
 303 ..... 2051

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**

6 ..... 1838  
 19 ..... 2040  
 40 ..... 2589

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

**Adopted Rules**

29 ..... 5905  
 81 ..... 279, 953, 2825  
 82 ..... 2825  
 83 ..... 279, 953  
 85 ..... 2457  
 87 ..... 544  
 89 ..... 544  
 91 ..... 544  
 93 ..... 544, 2457  
 95 ..... 544  
 303 ..... 3457

**Proposed Rules**

213 ..... 661  
 303 ..... 1751

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

33 ..... 8, 1841, 4154, 4156, 5781  
 51 ..... 860, 1838

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

11 ..... 288  
 19 ..... 1943  
 21 ..... 290  
 37 ..... 3975  
 65 ..... 5906  
 69 ..... 3975

**Proposed Rules**

1 ..... 1605  
 15 ..... 4885  
 16 ..... 4885  
 21 ..... 1605

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

Article IV ..... 4759

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

**Adopted Rules**

200 ..... 291, 1490, 3801, 3976  
 1910 ..... 1354, 1842, 2352



5904

1915	1354, 4158
1920	1354, 2457
1930	1354
1950	3802
3000	2825

**Proposed Rules**

200	1843, 5384
400	1249
1000	1249, 5384
1900	1250
1915	1606, 5676
1950	1607
Part II	1070

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

**Adopted Rules**

4	2040
5	5785
6	3980
10	2040

**Proposed Rules**

1	2140, 5384
4	1846, 3978, 5913
5	3810, 5915
7	675, 3978, 5913

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

**Adopted Rules**

1	953, 3986
11	3986, 3987
12	3987
13	3987
14	3987
15	3987
16	3987

**Proposed Rules**

1	4344, 4902, 5384
3	4344
4	1491, 4344
11	4344, 5384
13	4344
16	3999
17	4344

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

**Adopted Rules**

100	3811
200	3811
800	1492
1200	3811

**Proposed Rules**

200	954, 1251
300	1356, 1358
400	954, 1252
500	954, 1111, 1356
800	954
1000	954, 1111, 1358

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

Unclassified	291, 306, 2461, 2826, 3201, 5395, 5677, 5786, 5917
--------------	--

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

Unclassified	2464
--------------	------

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

Unclassified	8, 10, 11, 407, 555, 676, 677, 678, 771, 772, 773, 860, 861, 862, 964, 1113, 1114, 1254, 1360, 1496, 1847, 1848, 1943, 1947, 1950, 2047, 2239, 2240, 2241, 2356, 2357, 2464, 2465, 2589, 2592, 2703, 2826, 2827, 3201, 3215, 3308, 3548, 3816, 3822, 3825, 3826, 4002, 4160, 4162, 4349, 4350, 4759, 4760, 4903, 5396, 5585, 5678, 5917
--------------	---

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

#### Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 448 Judicial Administration Doc.

##### Order

*Per Curiam:*

And Now, this 18th day of September, 2015, *It Is Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2014 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter K. COSTS, FINES AND FEES

#### § 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2014 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 448 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2014 was 0.8% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 16, 2015.)

[Pa.B. Doc. No. 15-1751. Filed for public inspection October 2, 2015, 9:00 a.m.]

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 449 Judicial Administration Doc.

##### Order

*Per Curiam*

And Now, this 18th day of September, 2015, *It Is Ordered* pursuant to Article V, Section 10(c) of the

Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2016.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter K. COSTS, FINES AND FEES

#### § 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

#### § 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2016, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$51.50
(2) Actions involving more than \$500 but not more than \$2,000	\$68.50
(3) Actions involving more than \$2,000 but not more than \$4,000	\$85.50
(4) Actions involving between \$4,001 and \$12,000	\$128.00
(5) Landlord-tenant actions involving less than \$2,000	\$77.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$94.00
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000	\$128.00
(8) Order of execution	\$38.50
(9) Objection to levy	\$17.50
(10) Reinstatement of complaint	\$9.00

(11) Entering Transcript on Appeal or Certiorari .\$.450  
 Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2016, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v) .....\$8.00

(b) *Criminal cases.*—In calendar year 2016, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases ..... \$49.00
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) ..... \$38.50
- (3) Summary conviction, motor vehicle cases, hearing demanded ..... \$46.50
- (4) Misdemeanor ..... \$55.50
- (5) Felony ..... \$64.00

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2016, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary .....\$9.00
- (2) Marrying each couple, making record thereof, and certificate to the parties ..... \$43.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) ..... \$17.50
- (4) Issuing a search warrant (except as provided in subsection (d)) ..... \$17.50
- (5) Any other issuance not otherwise provided in this subsection ..... \$17.50

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2016, Commonwealth portion of fines, etc.

\* \* \* \* \*

- (c) *Costs in magisterial district judge proceedings.*
- (2) Amounts payable to the Commonwealth:
  - (i) Summary conviction, except motor vehicle cases ..... \$17.10
  - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) ..... \$17.10
  - (iii) Summary conviction, motor vehicle cases, hearing demanded ..... \$17.10
  - (iv) Misdemeanor ..... \$22.20
  - (v) Felony ..... \$34.15
  - (vi) Assumpsit or trespass involving:
    - (A) \$500 or less ..... \$21.50
    - (B) More than \$500 but not more than \$2,000 . \$34.30

- (C) More than \$2,000 but not more than \$4,000 ..... \$51.30
- (D) Between \$4,001 and \$12,000 ..... \$85.35
- (vii) Landlord-tenant proceeding involving:
  - (A) \$2,000 or less ..... \$34.30
  - (B) More than \$2,000 but not more than \$4,000 ..... \$42.75
  - (C) More than \$4,000 but not more than \$12,000 ..... \$59.75
- (viii) Objection to levy .....\$8.75
- (ix) Order of execution ..... \$25.65
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) .. \$12.25
- (xi) Order of possession ..... \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) .....\$6.40

[Pa.B. Doc. No. 15-1752. Filed for public inspection October 2, 2015, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES [ 210 PA. CODE CH. 65 ]

#### Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its published Operating Procedures. These amendments are reflected in the Superior Court Operating Procedures with amendments to Pa. Code § 65.51 *et seq.*

These changes were approved on June 10, 2015, effective on that date.

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES CHAPTER 65. OPERATING PROCEDURES OF THE SUPERIOR COURT

#### WIRETAPS

#### § 65.51. [ (Rescinded) ] Introduction.

**Government officials are advised to consult the applicable provisions of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5701 et seq. (“Wiretap Act”). Any Operating Procedure inconsistent with the Wiretap Act is preempted by the statute.**

#### § 65.52. Confidential Docket Number.

The applicant for the interception of wire, **electronic** or oral communication[ , **shall** ] **is to** call the Prothonotary[ , **the President Judge or judge designated by the President Judge to make assignments,** ] for a confidential docket number. The confidential docket number is to be written on the envelope containing the application for interception **which will subsequently be**

sealed. All applications, affidavits, progress reports, and orders shall utilize the confidential docket number assigned to the matter.

§ 65.53. Assignment to a Particular Judge.

[ The Prothonotary or Deputy is to call the President Judge, or a judge designated by the President Judge to make assignments, and request assignment of a judge to entertain the application. The President Judge, or a judge designated by the President Judge to make assignments, after first ascertaining the locale of the proposed interception from the Attorney General, the District Attorney or designee, shall then assign a judge of the Court with due consideration of the nature and location of the proposed interception and the offense being investigated. The Prothonotary or Deputy is to then call the assigned judge to determine availability. ]

After receiving an assigned docket number from the Prothonotary, the applicant is to call the Supervising Judge designated by the President Judge to make assignments, and request assignment of a judge to entertain the application. The Supervising Judge, after first ascertaining the locale of the proposed interception from the applicant, shall then determine the availability of a judge. The Supervising Judge then shall assign a judge of the Court with due consideration of the nature and location of the proposed interception and the offense being investigated and inform the applicant of the assigned judge.

§ 65.54. Submission of Application to Assigned Judge.

The applicant should submit the application, affidavit and proposed order to the assigned judge in chambers. This *ex parte* proceeding need not be on the record if all the necessary information required by the judge is contained within the four corners of the application. However, any additional testimony or explanation, if supplied orally, must be made of record. A tape recorder or court reporter may be utilized and must be provided by the applicant. The [ Judge ] judge should be requested to direct the court reporter to transcribe the proceedings as expeditiously as possible and to submit the stenographic notes and original transcript to the Court for sealing at the earliest possible moment. The Court should instruct all present concerning the need for confidentiality.

**Comment**

It is up to the [ reviewing ] issuing judge whether to simply conduct the entire proceeding on the record. If a tape recorder is utilized, at the close of the hearing, the tape is to be sealed with the application. Further, the judge may require that all additional information be in writing instead of the taking of any oral testimony.

§ 65.57. Content of [ Affidavit ] Application.

[ A. In the event a pen register has been or is being utilized to support the affidavit under this Rule, the Attorney General, District Attorney or designee shall, as part of the application, certify that the authority for the use of the pen register which was or is being utilized was obtained pursuant to the probable cause requirement of *Commonwealth v. Melilli*, 521 Pa. 405, 555 A.2d 1254 (1989). A copy of the affidavit of probable cause submitted in support of the application for the pen register must accompany the application for the wiretap. ]

An application under § 5709 must be made upon the personal oath or affirmation of the Attorney General (or a deputy attorney general designated in writing by the Attorney General) or the District Attorney (or an assistant district attorney designated in writing by the District Attorney) of the county wherein the interception is to be made and must contain the following:

A. A statement of the applicant's authority to make the application. 18 Pa.C.S. § 5709(1).

B. A statement of the identity, State Police certification number and qualifications of the investigative or law enforcement officer who will supervise the conduct of the interception and the identity of the agency which will conduct the interception. 18 Pa.C.S. § 5709(2).

C. A sworn statement, *i.e.*, affidavit, by the investigative or law enforcement officer who has knowledge of relevant information justifying the application, *see* 18 Pa.C.S. 5709(3), including a statement that the applicant seeks authorization to intercept wire, oral, or electronic communications of the subject(s) of the investigation concerning one or more of the offenses listed in 18 Pa.C.S. § 5708.

D. A statement that applicant has discussed all of the above circumstances of the offenses with the officer who has conducted the investigation to date and has examined the officer's affidavit (which is attached and incorporated by reference).

E. A complete statement of the facts concerning all previous applications known to the applicant made to any court for authorization to intercept a wire, electronic, or oral communication involving any of the same facilities or places specified in the application, or involving any person whose communication is to be intercepted, and the action taken by the court on each such application.

F. Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

G. A request that, based on the facts and circumstances set forth in the application and the attached affidavit, the Court issue an order pursuant to § 5710 of the Act authorizing the designated officers to intercept wire, electronic, or oral communications to and from, or on, the described devices or at the described premises until the earlier of:

1. communications are intercepted which reveal:

(a) the manner in which the subject(s) and others unknown have participated, are participating, or will participate in the commission of the enumerated offenses,

(b) the identities of their confederates, and

(c) the nature of their operation or criminal enterprise; or

2. a period of thirty (30) days or less.

H. The application should request that, pursuant to § 5712(f) of the Act, the order direct the communication service provider to furnish the applicant forthwith with all information, facilities and technical assistance (including in-progress traces) to accomplish the interception unobtrusively and with a

minimum of interference with the services being afforded by the company to the subject(s) and that the company be compensated by the applicant at the prevailing rates.

I. The applicant should state whether, in order to accomplish the purposes of the Act, it is reasonably necessary that law enforcement officers enter the described premises for the purpose of installing, maintaining or removing intercepting devices. If so, the applicant should request that, pursuant to § 5712(g) of the Act, the Court should authorize the entry of the described premises or facilities by the designated officers as often as necessary solely for the purpose of installing, maintaining, or removing intercepting devices. Prior to such entry, the judge issuing the order must, if practical, be notified—preferably in writing—of the time and method of each such entry. If prior notice is impractical, the judge must nevertheless be notified within 48 hours of entry.

J. Any legal applications and all subsequent motions or petitions relating to an application must be presented to the Court by an attorney-at-law.

§ 65.58. [ (Rescinded) ] Target Specific Wiretaps (18 Pa.C.S. § 5712.1).

Section 5712.1 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712.1, provides that an investigative or law enforcement officer may seek a target specific order. An application for a target specific wiretap must meet the requirements of an application under § 5709 and § 5712, except § 5712(a)(3) and § 5709(3)(iv) and (v), shall not apply if:

A. In the case of oral communications:

i. a full and complete statement as to why specification is not practical and identifies the person committing the offense and whose communications are to be intercepted. The judge must find that the specification is not practical. *See* 18 Pa.C.S. § 5712.1(a)(1).

B. In the case of wire or electronic communications:

i. the identity of the person believed to be committing the offense and whose communications are to be intercepted, and the applicant shows that there is probable cause to believe that the person's actions could have the effect of thwarting interception by changing facilities or devices. The judge must find that the purpose for the target specific order has been adequately shown. *See* 18 Pa.C.S. § 5712.1(a)(2).

C. In the event the affiant seeks a supplementary order for a target specific wiretap, such application shall contain:

1. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept wire, electronic, or oral communication is given, and the name and official identity of the person who made the application. *See* 18 Pa.C.S. § 5712.1(c)(1).

2. The identity of or a particular description of the person, if known, whose communications are to be intercepted. *See* 18 Pa.C.S. § 5712.1(c)(2).

3. The period of time during which the interception is authorized, including a statement as to

whether or not the interception shall automatically terminate when the described communication has been first obtained. *See* 18 Pa.C.S. 5712.1(c)(3).

4. A showing of reasonable suspicion that the target of the original order has in fact changed communications devices or facilities. *See* 18 Pa.C.S. § 5712.1(c)(4).

5. A showing of reasonable suspicion that the target of the original order is likely to use the additional facility or device or place for criminal purposes similar to or related to those specified in the original order. *See* 18 Pa.C.S. § 5712.1(c)(5).

D. A supplementary order shall not act as an extension of the time limit identified in § 5712(b). *See* 18 Pa.C.S. § 5712.1(d).

(*Editor's Note:* Sections 65.59 and 65.60 are new and printed in regular type to enhance readability.)

§ 65.59. Mobile Communication Tracking, Pen Registers, Trap and Trace Devices, and Telecommunication Identification Interception Devices (18 Pa.C.S. §§ 5771—5773).

Sections 5771—5773 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5771—5773, authorize the installation and usage of pen registers, trap and trace devices, telecommunication identification interception devices and the disclosure or production of mobile communication tracking information upon a showing of probable cause. An applicant may seek such an order from the Superior Court when an application for an order authorizing interception of communications is or has been made for the targeted telephone or another application for interception under the Wiretap Act has been made involving the same investigation. *See* 18 Pa.C.S. § 5772(a). An application for such an order shall contain:

A. The identity and authority of the attorney making the application and the identity of the investigative or law enforcement agency conducting the investigation. 18 Pa.C.S. § 5772(b)(1).

B. A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency. 18 Pa.C.S. § 5772(b)(2).

C. An affidavit by an investigative or law enforcement officer which establishes probable cause for the issuance of an order or extension of an order under section 5773. 18 Pa.C.S. § 5772(b)(3).

§ 65.60. Content of Affidavit.

Section 5709(3) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5709(3), provides that the investigative or law enforcement officer shall execute an affidavit setting forth information justifying the application for an order authorizing interception of wire, electronic, or oral communications. The affidavit should contain the following:

A. The affiant's title, pertinent employment history, authority to conduct investigations, and experience in conducting investigations of similar offenses. *See* 18 Pa.C.S. § 5709(2).

B. The name, qualifications, and State Police certification number of the officers who will supervise and conduct the interception of the communications as well as the agency which will conduct the interception. *See* 18 Pa.C.S. § 5709(2).

C. A statement by the affiant setting forth facts which, when viewed in light of the totality of the underlying circumstances, establish their intrinsic reliability.

#### Comment

See *Illinois v. Gates*, 462 U.S. 213, 103 S.Ct. 2317 (1983).

D. The identity of the person or persons, if known, who are believed to be committing one or more of the crimes in 18 Pa.C.S. § 5708, and whose communications will be intercepted. See 18 Pa.C.S. § 5709(3)(i).

E. The particular type of communication to be intercepted; e.g., in gambling case, transmittal and acceptance of wagers placed on the outcome of sporting events and horse race results, line information, etc. See 18 Pa.C.S. § 5709(3)(iii).

F. The character and location of the particular wire or electronic communication facilities involved or the particular place where the oral communications will be intercepted, see 18 Pa.C.S. § 5709(3)(v), except where target specific orders pursuant to 18 Pa.C.S. § 5712.1 are sought.

G. Where 18 Pa.C.S. § 5712.1, governing target specific wiretaps does not apply, a detailed statement of the facts and circumstances establishing probable cause to believe that:

1. The subject(s) has committed, is committing or will commit one of the crimes enumerated in 18 Pa.C.S. § 5708;

2. The particular wire, electronic, or oral communications of the subject(s) concerning those offenses may be obtained through the proposed interception;

3. The facilities from which, or the place where, the wire, electronic, or oral communications are to be intercepted, are, have been, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name(s) of, or commonly used by such subject(s).

H. The period of time (not to exceed thirty (30) days) for which the interception will be needed, and if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur and should be intercepted thereafter.

I. A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and failed or reasonably appear unlikely to succeed if tried or are too dangerous to employ, e.g., normal investigative procedures would include standard visual or aural surveillance techniques, questioning of subject under an immunity grant or use of search warrants.

J. The basic probable cause in the affidavit should, whenever practical, be no more than twenty-one (21) days old.

K. In the event a pen register, mobile communications tracking information, trap and trace device, or telecommunication identification interception device has been or is being utilized to support the affidavit under this Rule, the Attorney General, District Attorney, or designee shall, as part of the application, certify that the authority for the use of the pen register, mobile communications tracking information, trap and trace device, or telecommunica-

tion identification interception device which was or is being utilized was obtained pursuant to probable cause. See *Commonwealth v. Melilli*, 521 Pa. 405, 555 A.2d 1254 (1989); 18 Pa.C.S. § 5772(b)(3); 18 Pa.C.S. § 5773. A copy of the affidavit of probable cause submitted in support of the application for the pen register, mobile communications tracking information, trap and trace device, or telecommunication identification must accompany the application for the wiretap.

[ § 65.59 ] § 65.61. Order: In General. Notice of Confidentiality.

Section 5710 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5710, provides that upon consideration of the application, the Court may enter an ex parte order authorizing interception anywhere in the Commonwealth.

All proposed orders shall include, on the first page, the following notice of confidentiality to third parties:

#### WIRETAP CONFIDENTIALITY NOTICE

You have been served with an intercept order pursuant to Pennsylvania's Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5701—5781 (the "Wiretap Act").

In order to implement wiretaps and electronic surveillance authorized by intercept orders, the assistance of third parties, those outside of law enforcement, is often required. You have been made aware of an intercept order because your assistance is required to facilitate wiretapping or other surveillance in an on-going criminal investigation.

This is a very serious and highly confidential matter and must be treated with the utmost care and discretion. Except as specifically authorized under the Wiretap Act, IT IS A CRIME TO WILLFULLY USE OR DISCLOSE THE EXISTENCE OF AN INTERCEPT ORDER. SUCH USE OR DISCLOSURE IS PUNISHABLE BY IMPRISONMENT OF UP TO 2 YEARS, AND A FINE OF UP TO \$5,000.

The Wiretap Act [ **Provides** ] provides as follows:

§ 5719. Unlawful use or disclosure of existence of order concerning intercepted communication

Except as specifically authorized pursuant to this subchapter any person who willfully uses or discloses the existence of an order authorizing interception of a wire, electronic or oral communication is guilty of a misdemeanor of the second degree.

(A misdemeanor of the second degree is punishable by imprisonment of up to two years, 18 Pa.C.S. § 1104, and a fine of up to \$5,000, *id.* § 1101.)

See also 18 Pa.C.S. §§ 5725, 5726 and 5717.

(*Editor's Note:* Sections 65.62—65.78 are new and printed in regular type to enhance readability.)

§ 65.62. Order: Probable Cause Statement.

A proposed order, except those pertaining to supplementary target specific orders or orders under §§ 5771—5773, should be submitted by the applicant to the Court, and it should state that based on the application, the Court finds probable cause to believe the following:

A. The person(s) whose communication is to be intercepted is committing, has committed, or is about to commit the offense(s) set forth in the application.

B. Particular communications concerning such offense(s) may be obtained through such interception.

C. Normal investigative procedures with respect to such offense(s) have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ.

D. The facilities from which (or the place where) the wire, electronic or oral communications are to be intercepted, are, have been, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, the subject(s).

E. The investigative or law enforcement officers or agency to be authorized to do the interception are qualified by training and experience to execute the interception sought and are certified under § 5724 of the Act.

F. The application is based on new evidence or information different from and in addition to the evidence or information offered to support any prior order for interception (other than a renewal or extension of an existing order).

**§ 65.63. Supplementary Target Specific Orders.**

A proposed order for a supplementary target specific wiretap should be submitted to the Court, and it should state that based on the application, the Court finds reasonable suspicion that:

A. The target of the original target specific wiretap has in fact changed communication devices or facilities or is presently using additional communication devices, communications facilities or places. *See* 18 Pa.C.S. § 5712.1(b)(1).

B. The target of the original target specific wiretap is likely to use the specified communications device or facility for criminal purposes similar to or related to those specified in the original order. *See* 18 Pa.C.S. § 5712.1(b)(2).

C. The Attorney General or the District Attorney, or their designees, shall be responsible for the supervision of the interception. *See* 18 Pa.C.S. 5712.1(e).

**§ 65.64. Orders for Mobile Communication Tracking, Installation and Use of a Pen Register, Trap and Trace Device, and Telecommunication Identification Interception Device.**

A proposed order for mobile communication tracking, installation and use of a pen register, trap and trace device or a telecommunication identification interception device should be submitted to the Court, and it should state:

A. There is probable cause to believe that information relevant to an ongoing criminal investigation will be obtained from the targeted telephone. 18 Pa.C.S. § 5773(b)(i).

B. The identity, if known, of the person to whom is leased or in whose name is listed the targeted telephone, or, in the case of the use of a telecommunication identification interception device, the identity, if known, of the person or persons using the targeted telephone. 18 Pa.C.S. § 5773(b)(ii).

C. The identity, if known, of the person who is the subject of the criminal investigation. 18 Pa.C.S. § 5773(b)(iii).

D. In the use of pen registers and trap and trace devices only, the physical location of the targeted telephone. 18 Pa.C.S. § 5773(b)(iv).

E. A statement of the offense to which the information likely to be obtained by the pen register, trap and trace device or the telecommunication identification interception device relates. 18 Pa.C.S. § 5773(b)(v).

F. Direct, upon the request of the applicant, the furnishing of information, facilities and technical assistance necessary to accomplish the installation of the pen register under section 5771 (relating to general prohibition on use of certain devices and exception). 18 Pa.C.S. § 5773(b)(2).

G. In the case of a telecommunication identification interception device, direct that all interceptions be recorded and monitored in accordance with section 5714(a)(1) and (2) and (b) (relating to recording of intercepted communications). 18 Pa.C.S. § 5773(b)(3).

H. The order authorizes the disclosure or production of mobile communication tracking information or installation and use of a pen register, trap and trace device, or a telecommunication identification interception device for a period not to exceed 60 days. *See* 18 Pa.C.S. § 5773(c) (this statutory subsection provision omits reference to mobile communication tracking and therefore the sixty day period is not specifically referenced for mobile communication tracking).

I. Extensions of such an order may be granted but only upon an application for an order under § 5772 and upon the judicial finding required by § 5772(a). The period of each extension shall be for a period not to exceed 30 days.

J. The order be sealed until otherwise ordered by the Court.

K. The person owning or leasing the targeted telephone, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the mobile communication tracking, pen register, trap and trace device, or telecommunication identification interception device, or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Court.

**Comment**

The targeted telephone number, if known, should be included in the proposed order.

**§ 65.65. Order: Factual Statement.**

After reciting the relevant facts, the order must set for the following:

A. The identity of the investigative or law enforcement officers or agency to whom authority to intercept is given (i.e., the Supervising Officer named in the application along with "all qualified members" of the named agency).

B. The identity of the person who made application for authority to intercept. Since only the District Attorney or the Attorney General may swear to the application form, he must be identified along with any designee who actually submits the application to the Court.

C. The identity of, or a particular description of, the person(s), if known, whose communications are to be intercepted.

D. The character and location of the particular communication facilities as to which, or the particular place as to which, authority to intercept is granted, except where a target specific order is at issue.

E. A particular description of the type of communication to be intercepted and a statement of the particular offense(s) to which it relates.

F. The period of time during which such interception is authorized not to exceed thirty (30) days, or sixty (60) days in the cases of orders authorizing production or disclosure of mobile communication tracking,<sup>1</sup> the installation and use of pen registers, trap and trace devices, or telecommunication identification interception devices, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. The order shall state that such interception or tracking is authorized only for that period of time necessary under the circumstances to accomplish the objectives of the interception or tracking. The order shall require that the interception or tracking begin and terminate as soon as practicable and that the interception be conducted in such a manner as to minimize or eliminate interception of communications not otherwise subject to interception under the Act and require reasonable efforts, whenever possible, to reduce the hours of interception.

G. The order shall require the Attorney General or the District Attorney or their designees to supervise the interception or tracking.

H. The order should require periodic progress reports to the issuing judge indicating the progress made toward achieving the objective of the interception or tracking and the need for continued interception.

I. If requested by the applicant, the order shall direct the pertinent communications common carrier to furnish the applicant with all information, facilities and technical assistance necessary to accomplish the interception or tracking unobtrusively and with a minimum of interference with the services being afforded to the subject(s) of the interception. The order shall provide that the common carrier shall be compensated at prevailing rates.

J. If requested by the applicant, the order shall authorize the entry of the subject premises or facilities (or other premises necessary to gain entry into the subject premises) by the law enforcement officers previously authorized in the order to conduct the interception as often as necessary solely for the purpose of installing, maintaining or removing an interception device. The order shall further provide that such entry is found to be reasonably necessary to accomplish the purposes of the Act and shall require that the issuing (authorizing) judge be notified of the time and method of each such entry in advance, if practical, and in any event, within forty-eight (48) hours of entry.

#### § 65.66. Procedure Upon Signing the Order.

The judge should note on the order the date and time at which it was signed. The original application, affidavit and order should be placed in an envelope and sealed by the judge. The seal should be in the form of an order signed by the judge and affixed to the envelope by the judge in such a manner as to prevent the removal of the contents without physically disturbing the seal. The confidential docket number should be placed on the envelope.

#### § 65.67. Seal.

The seal should set forth the following:

1. Contents of the envelope;
2. The location at which custody of the sealed item should be maintained;

<sup>1</sup> The sixty day period is not specified by statute for mobile communication tracking in 18 Pa.C.S. § 5773(c). This appears to have been a legislative oversight.

3. Date, time and location of the signing of the sealing order;

4. Signature of the judge.

#### Comment

Neither the targeted telephone number nor any other identifying information should be included on the sealing order.

#### § 65.68. Duplicate Original for Communications Common Carrier.

At the time the original order is signed, a duplicate original should also be signed for presentation to the communications common carrier.

#### § 65.69. Renewal or Extension Procedure.

A. Section 5712(b) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712(b), provides that an interception order may be renewed or extended for a period up to thirty (30) days beyond the expiration date of the original order. To obtain such an extension, it is necessary that an application, affidavit and proposed extension order be submitted to the Court. The application must have all of the features contained in the original application and, pursuant to § 5709(4) of the Act, must also contain a particular statement of facts showing the results obtained to date from the interception or a reasonable explanation of the failure to obtain such results.

B. The procedure for obtaining an extension should in all other respects be the same as that used in obtaining the original order.

#### § 65.70. Verbal Authorization in General.

Section 5713 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5713, provides that, in certain emergency situations, verbal authorization to intercept wire, electronic, or oral communications may be given by the Court. Similarly, 18 Pa.C.S. § 5773, governing orders for pen registers, mobile communication tracking devices, trap and trace devices, and telecommunication identification interception devices allows verbal authorization under exigent circumstances. Application for such authorization should be made *in camera*, under oath and on the record. When, due to time limitations, an application cannot be made in person, the application may be made by telephone. Moreover, whenever the application proceedings cannot be recorded stenographically, by a court reporter provided by the applicant, the applicant should, with the permission of all speaking parties, tape record the proceedings.

#### Comment

The requirement for an under oath and on the record in camera proceeding, as well as the recording of the matter is not covered by statute.

#### § 65.71. Content of Verbal Application.

The verbal application should include as many of the elements of a written application and affidavit, *supra*, as can be provided under the emergency conditions. In any event, the verbal application must include sufficient facts for the Court to find the following:

A. An emergency situation exists with respect to the investigation of an offense designated in § 5708 of the Act.

B. The investigation involves conspiratorial activities characteristic of organized crime; or



C. A substantial danger to life or limb exists.

D. As a result of (A) and (B) or (C), authorization for immediate interception of wire or oral communications is needed before a written application could, with due diligence, be submitted and acted upon by the Court.

**§ 65.72. Verbal Authorization Contingent Upon Written Application.**

Based on these findings, the Court may verbally authorize interception, pursuant to § 5713, conditioned upon the filing within forty-eight (48) hours of a written application for an interception order. Such written application and affidavit should be in the form previously described and should, along with the written order, include the following:

A. A recitation of the date, time, place and circumstances of the verbal authorization.

B. The written authorization conferred by the Court is retroactive to the time of the verbal authorization.

C. The authorized interception shall terminate immediately when the communication sought is obtained. Section 5713 of the Act provides that if the subsequent written application is not made, any interception conducted pursuant to verbal authorization will be illegal.

D. Pursuant to 18 Pa.C.S. § 5773, if exigent circumstances exist, the Court may verbally authorize the installation and use of a pen register, trap and trace device, telecommunications identification interception device, or permit mobile communication tracking. However, a written order authorizing the disclosure must be entered within 72 hours of the oral authorization.

**§ 65.73. Progress Reports.**

Section 5712(c) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712(c), requires that the Attorney General or District Attorney or designee supervise the interception. Pursuant to § 5712(d) of the Act, this Supervising Attorney may be required under the terms of the order to submit periodic progress reports to the Court during the course of the interception. These reports should explain to the Court the progress being made toward achieving the objectives of the interception and should explain why continued interception is necessary. Progress reports shall be sealed and filed in the same manner as applications.

**Comment**

The judge may establish the time period for these reports within his or her order. A period of seven (7) days has proven to be practical.

**§ 65.74. Content of Final Report.**

Pursuant to § 5712(e) of the Act, at the termination of the interception, the Supervising Attorney must submit a final report consisting of a complete written list of names of persons intercepted (if known) and evidence of offenses discovered, including those offenses not set forth in the application or order. Where communications relating to offenses other than those specified in the application or order are intercepted, the contents of those communications and any evidence derived therefrom must be included in the final report.

**§ 65.75. Motions for Unsealing Orders.**

A motion by an interested party to unseal an application, report, order, or other document previously placed under seal shall be in writing, shall state specifically the reason for the unsealing order and the use to be made of the unsealed application, report, order, or other document, and, when possible, shall be presented to the judge

who ordered the same sealed. The Court, upon good cause shown, may order an application, report, order, or other document within the Prothonotary's file to be unsealed and may impose such conditions or limitations thereon as may be necessary to safeguard the confidentiality of such information.

When a motion to unseal is granted, the Prothonotary, within ten (10) days, shall deliver to the requesting party a certified copy of the document(s) unsealed. The Prothonotary, without express written permission from the Court, shall not surrender original documents constituting a part of his or her file.

The motion should identify the following:

A. The specific application, report, order or other contents sought to be unsealed. The application, report, order or other contents sought to be unsealed shall be limited and described with particularity.

B. The purpose for which the order is sought.

*1. Trial or Other Criminal Proceeding.*

If the application, report, order or other contents under seal is/are sought for a trial or other criminal proceeding, the motion shall state the type of proceeding, court docket number(s), the name(s) of the party(ies) involved, the forum, the date(s) and approximate length of time for which such application, report, order or other contents will be utilized and name(s) and designation(s) of the person(s) having access to the unsealed application, report, order, or other contents.

*2. Criminal Investigation.*

If the application, report, order, or other contents under seal is/are sought for the purpose of disclosure to law enforcement or investigative officers in connection with a criminal investigation, the name(s) of the investigative or law enforcement officer(s) shall be set forth together with his/her/their designation(s), his/her/their authority to conduct said investigation, the purpose of the investigation and the approximate date(s) and length of time for which such application, report, order or other contents are sought.

**§ 65.76. Order of Court.**

The Court may, upon due cause shown by the said motion, order unsealed the application, report, order, or other contents which is/are the subject of the motion for the purpose(s) set forth therein. If the motion to unseal is granted, the order authorizing unsealing shall be limited to the application, report, order, or other contents which is/are the subject of the motion. The unsealing order shall be valid for a period not to exceed twenty (20) days or the length of the trial or other criminal proceeding or investigation, whichever period is shorter.

**§ 65.77. Return of Documents to Court.**

The application, report, or order or other contents subject to the unsealing or any extension(s) thereof shall be returned to the Court within forty-eight (48) hours of the expiration of the life of the unsealing order or any extension(s) thereof or within forty-eight (48) hours of the termination of the trial or other criminal proceeding or investigation, whichever event occurs sooner, unless a timely motion to extend the life of the unsealing order or to extend the scope of a previously granted unsealing order has been filed and granted.

**§ 65.78. Responsibility for Unsealed Documents.**

After a motion for an unsealing order or any extension(s) therefor has/have been granted and the application, report, order or other contents which was/were the subject of the said motion or any extensions(s) therefor

granted has/have been turned over to the custody of the investigative or law enforcement officer(s) designated in the motion or any extensions therefor and Order(s) granting same to receive the said application, order, report or other contents for the purpose(s) set forth in the said motion or any extension(s) thereof and Order(s) granting same, the said investigative or law enforcement officer(s) shall assume complete responsibility for and the safekeeping of such application, order, report or other contents for the entire duration of the time set forth in the said unsealing Order or any extension(s) thereof in which said application, order, report or other contents remain in his/her/their custody for the purpose(s) set forth in the said motion or any extension(s) thereof and Order(s) granting same and, further, shall assume responsibility for the safe return of such application, order, report or other contents to the Court pursuant to § 65.77.

[Pa.B. Doc. No. 15-1753. Filed for public inspection October 2, 2015, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 4 AND 7 ]

### Proposed Amendments of Pa.Rs.Crim.P. 490 and 790

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rules 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) and 790 (Procedure For Obtaining Expungement In Court Cases; Expungement Order) for the reasons set forth in the accompanying supplemental explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, November 13, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

PAUL M. YATRON,  
*Chair*

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART H. Summary Case Expungement Procedures Rule 490. Procedure for Obtaining Expungement in Summary Cases; Expungement Order.

(A) *Petition for Expungement*

\* \* \* \* \*

(3) [ A ] Unless the attorney for the Commonwealth agrees in writing to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal record shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) *Objections; Hearing*

\* \* \* \* \*

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) [ The ] Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

\* \* \* \* \*

#### Comment

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in summary cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under Rule 790.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a summary case and Rule 790 for court case expungement procedures.

This rule sets forth the only information that is to be included in every expungement petition and order.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal record to the petition. **The attorney for the Commonwealth may waive the requirement that the criminal record be attached to the petition. The rule anticipates that, in such a case, the petitioner and the attorney for the Commonwealth will reach an agreement prior to the submission of the petition to the court that the petitioners' criminal history has been confirmed by means other than the Pennsylvania State Police criminal record. The copy of the written waiver signed by the attorney for the Commonwealth must be attached to the petition in lieu of the Pennsylvania State Police criminal record.**

[ A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104. ]

**A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.**

“Petition,” as used in this rule, is a “motion” for purposes of Rules 575, 576, and 577.

The “reason for expungement” in paragraph (A)(2)(i) and (C)(1)(i) means, for example, acquittal, arrest or prosecution free for five years following the conviction for that summary offense, or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

For purposes of this rule, “criminal justice agency” includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, [ 594 Pa. 346, ] 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, [ 563 Pa. 248, ] 759 A.2d 1269 (Pa. 2000).

**Official Note:** Adopted September 22, 2010 effective in 90 days; amended , 2015, effective , 2015.

*Committee Explanatory Reports:*

Final Report explaining the September 22, 2010 promulgation of new Rule 490 providing the procedures for expungements in summary cases published with the Court’s Order at 40 Pa.B. 5740 (October 9, 2010).

Report explaining the proposed amendment regarding the stay on expungement when the Commonwealth has consented and petition and order forms published for comment at 45 Pa.B. 3978 (July 25, 2015); Supplemental Report explaining the proposed amendment regarding the agreement to waive the requirement of a PSP criminal record published for comment at 45 Pa.B. 5915 (October 3, 2015).

**CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES**

**PART C. Court Case Expungement Procedures**

**Rule 790. Procedure for Obtaining Expungement in Court Cases; Expungement Order.**

(A) *Petition for Expungement*

\* \* \* \* \*

(3) [ A ] Unless the attorney for the Commonwealth agrees in writing to waive this requirement, a current copy of the petitioner’s Pennsylvania State Police criminal record shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) *Objections; Hearing*

\* \* \* \* \*

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) [ The ] Except when the attorney for the Commonwealth has filed a consent to the petition pur-

suant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

\* \* \* \* \*

**Comment**

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in court cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under this rule.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a court case, Rule 490 for summary case expungement procedures, and 35 P.S. § 780-119 for expungement procedures under The Controlled Substance, Drug, Device, and Cosmetic Act.

This rule sets forth the only information that must be included in every expungement petition and order.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal record to the petition. **The attorney for the Commonwealth may waive the requirement that the criminal record be attached to the petition. The rule anticipates that, in such a case, the petitioner and the attorney for the Commonwealth will reach an agreement prior to the submission of the petition to the court that the petitioners’ criminal history has been confirmed by means other than the Pennsylvania State Police criminal record. The copy of the written waiver signed by the attorney for the Commonwealth must be attached to the petition in lieu of the Pennsylvania State Police criminal record.**

An order for expungement under The Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-119, also must include the information in paragraph (C).

[ A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104. ]

**A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.**

“Petition” as used in this rule is a “motion” for purposes of Rules 575, 576, and 577.

The “reason for expungement” in paragraph (A)(2)(i) and (C)(1)(i) means, for example, acquittal or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 519, the date of the summons constitutes the “date of arrest” for purposes of paragraph (A)(2)(f).

For purposes of this rule, “criminal justice agency” includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, [ 594 Pa. 346, ] 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, [ 563 Pa. 248, ] 759 A.2d 1269 (Pa. 2000).

**Official Note:** Adopted September 22, 2010 effective in 90 days; amended , 2015, effective , 2015.

*Committee Explanatory Reports:*

Final Report explaining the September 22, 2010 promulgation of new Rule 790 providing the procedures for expungements in court cases published with the Court's Order at 40 Pa.B. 5740 (October 9, 2010).

**Report explaining the proposed amendment regarding the stay on expungement when the Commonwealth has consented and petition and order forms published for comment at 45 Pa.B. 3978 (July 25, 2015); Supplemental Report explaining the proposed amendment regarding the agreement to waive the requirement of a PSP criminal record published for comment at 45 Pa.B. 5915 (October 3, 2015).**

#### SUPPLEMENTAL REPORT

##### *Proposed amendment of Pa.Rs.Crim.P. 490 and 790*

##### **Contents of Expungement Petitions and Orders**

Recently, the Committee had considered suggested amendments to the procedures contained in Rules 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) and 790 (Procedure For Obtaining Expungement In Court Cases; Expungement Order). Proposed rule changes were published that would have (1) removed the requirement for including the petitioner's Social Security number in the petition and order, (2) eliminate the 30-day stay on the expungement order during which time the Commonwealth may appeal cases in which the Commonwealth has consented to the expungement, and (3) add a cross-reference to the Comments of both rules to the webpage where the AOPC forms for expungement petitions and orders are found. See 45 Pa.B. 3978 (July 25, 2015), and <http://www.pacourts.us/assets/uploads/Resources/Documents/Publication%20Report%20Rule%20490%20790%20Expungements%2000000003%20-%200004601.pdf?cb=ddd57>.

Based on responses to this publication, the Committee has decided to make changes to the proposal. The Committee received a number of complaints that the length of time that it takes for a petitioner to receive the required Pennsylvania State Police (PSP) criminal record reports is excessive. It was suggested that this requirement be eliminated or modified so that the PSP criminal history could be replaced with an alternative such as the AOPC web docket sheets. The Committee concluded that the PSP report represents the best available criminal history record information and therefore the requirement would be retained in this proposal.

However, the Committee has determined that there are jurisdictions, such as Philadelphia, in which very large numbers of expungement petitions are being filed and, as a result, protocols have been developed between petitioners and district attorney's offices to speed the process of expungement in a large majority of cases. These include means of alternative confirmation of a petitioner's criminal history. The Committee concluded that such agreements are beneficial and therefore, the current proposal would provide that the requirement for the attachment of the PSP report may be waived by the attorney for the Commonwealth. Since the approval of the court is re-

quired for any expungement petition, a written copy of the waiver must be attached to the petition in lieu of the PSP report. The Comment would be revised to provide further detail regarding this option.

As noted in the prior publication, the proposal to remove the requirement to include the petitioner's Social Security number in the petition and order originated from a meeting between Committee members and certain representatives of the PSP who had suggested this change. Upon publication, however, the Committee received an official statement from the PSP indicating that the Social Security number is still necessary for proper identification of the petitioners' cases and removal of the requirement would be detrimental to the processing of expungement orders. Therefore, this proposal has been removed.

The other two provisions of the original proposal, elimination of the stay on the order when the Commonwealth consents to expungement and addition of cross-references to the AOPC forms, proved uncontroversial and so have been retained in the current version of the proposal.

[Pa.B. Doc. No. 15-1754. Filed for public inspection October 2, 2015, 9:00 a.m.]

#### [ 234 PA. CODE CH. 5 ]

##### **Proposed Amendment of Pa.R.Crim.P. 540**

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rules 540 (Preliminary Arraignment) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: [criminalrules@pacourts.us](mailto:criminalrules@pacourts.us)

All communications in reference to the proposal should be received by no later than Friday, November 13, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

PAUL M. YATRON,  
*Chair*

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

\* \* \* \* \*

(G) Unless the preliminary hearing is waived by a defendant who is represented by counsel, or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2, the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be later than 14 days after the preliminary arraignment if the defendant is in custody **on the current case** and no later than 21 days if not in custody unless[ : ] **extended for cause shown; and**

[ (a) **extended for cause shown; or**

(b) **the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and ]**

(2) give the defendant notice, orally and in writing,

\* \* \* \* \*

Comment

\* \* \* \* \*

For public access to arrest warrant information, see Rules 513, 513.1, and *Commonwealth v. Fenstermaker*, [ 515 Pa. 501, ] 530 A.2d 414 (Pa. 1987).

\* \* \* \* \*

Paragraph (G)(2)(c) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial; see also *Commonwealth v. Bond*, 693 A.2d 220, 223 (Pa. Super. 1997) (“[A] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent ‘without cause.’”).

**There have been some judicial districts in which the practice has been to set a date for the preliminary hearing within the time limits of this rule with no intention of a preliminary hearing actually taking place on that date; instead, the preliminary hearing is automatically continued by the court. This practice is inconsistent with the intent of the rule.**

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of the defendant to have his or her parents, guardian, or other custodian present.

See Rule 1003(D) for the procedures governing preliminary arraignments in the Philadelphia Municipal Court.

See Chapter 5, Part H, Rules 595, 596, 597, and 598, for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses

excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

**Official Note:** Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended June 21, 2012, effective in 180 days; amended July 31, 2012, effective November 1, 2012; amended May 2, 2013, effective June 1, 2013; Comment revised December 23, 2013, effective March 1, 2014; **amended , 2015, effective , 2015.**

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the December 23, 2013 Comment revisions concerning sealed arrest warrant information published with the Court's Order at 44 Pa.B. 243 (January 11, 2014).

**Report explaining the proposed amendments concerning the scheduling of the preliminary hearing published for comment at 45 Pa.B. 5916 (October 3, 2015).**

REPORT

*Proposed amendment of Pa.R.Crim.P. 540*

**Scheduling of Preliminary Hearings for Incarcerated Defendants**

Recently, the Committee had been presented with a question regarding the interpretation of the Rule 540(G)(1) requirement for scheduling the preliminary hearing if the defendant is in custody no later than 14 days after the preliminary arraignment or no later than 21 days if the defendant was not in custody.<sup>1</sup> The question was whether the defendant had to be in custody for the current case or for any matter, even one unrelated to the current case, for the shorter time-period to be applicable.

The preliminary arraignment rule has had a provision requiring the scheduling of the preliminary hearing since it was first adopted as Rule 119 in 1964. Originally, the time limitation was simply “within 3 to 10 days after the arraignment” without reference to custody. This provision was changed in 2012 as part of the package that reinstated indicting grand juries, increasing the time limitations to the current 14 and 21 days. The Final Report to those amendments, 42 Pa.B. 4140 (July 7, 2012), contained the following explanation:

<sup>1</sup> It should be noted that the practice in Philadelphia is different from the rest of the Commonwealth due to the different procedures in the Philadelphia Municipal Court. Preliminary arraignment procedures, including the provisions for the scheduling of the preliminary hearing, which are generally held only in felony cases, are governed by Rule 1003. Rule 1003(D)(3)(d)(iii) provides that the preliminary hearing “shall not be less than 14 nor more than 21 days after the preliminary arraignment . . .” without making a distinction between defendants who are in custody and those who are not.

Rule 540(F)<sup>2</sup> includes, as an exception to when an issuing authority would set the date for the preliminary hearing, the situation when the attorney for the Commonwealth is presenting the case to an indicting grand jury. Paragraph (F)(3) has been amended to extend the time for conducting the preliminary hearing from 3 to 10 days after the preliminary arraignment to 14 to 21 days after the preliminary arraignment to accommodate the timing for proceeding to an indicting grand jury depending on whether or not the defendant is in custody.

During the development of these changes, the Committee also noted that the 3/10 day time limitation was more honored in the breach in most jurisdictions and felt that the extended time limitations would be helpful in all cases, not just those which were being considered for presentation to an indicting grand jury.

In reviewing the history of Rule 540, the Committee concluded that the intention of the scheduling provision was to ensure that the defendant received a timely preliminary hearing. The distinction made for a defendant who was in custody was designed to ensure that a defendant did not languish unduly in jail before a *prima facie* determination could be made. In other words, the rule is premised on the idea that the defendant should receive a timely preliminary hearing on the possibility that if no *prima facie* case would be found, the defendant would be given his or her liberty. If the reason that a defendant is incarcerated is unrelated to the charges that would be reviewed at the preliminary hearing, presumably due to charges or a conviction in another case, the defendant will remain incarcerated even if the charges in the current case are dismissed. Therefore, the Committee determined that the rule was intended to apply only to incarceration on the current pending charges. The proposed change to paragraph (G) reflects this clarification.

The Committee also noted that there appears to have been an omission when the time limitation language was changed in 2012. Paragraph (G)(1)(b) states that the preliminary hearing will be scheduled in the listed time periods unless “(b) the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth.” Since the 2012 changes altered the language of the paragraph to read “fix a day and hour for a preliminary hearing which shall not be later than 14 days after the preliminary arraignment if the defendant is in custody and no later than 21 days if not in custody” there is no “earlier date” unlike in the “3 to 10 days” in the former rule. Therefore this language was no longer necessary and would be removed.

During the discussion of the time limitations of the rules, it was noted that the practice in a few jurisdictions is to schedule the preliminary hearing within the time-period required by the rule but with no intention for the hearing to be held on that date. Instead, the court automatically continues the preliminary hearing to a later date. The Committee concluded that this practice is inconsistent with the intent of the rule and is proposing that language be added to the Comment stating so.

[Pa.B. Doc. No. 15-1755. Filed for public inspection October 2, 2015, 9:00 a.m.]

<sup>2</sup> Rule 540 was amended again later in 2012 and then-paragraph (F) was re-lettered to paragraph (G).

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**Prisoner Release from September 23, 2015 through September 28, 2015; No. 02 of 2015**

#### Order

And now, this 21st day of September, 2015, upon consideration of this Court's order dated August 7, 2015 regarding the Administrative Closure of the Courts of the First Judicial District of Pennsylvania, it is hereby ordered and decreed that any inmate presently incarcerated in the Philadelphia Prison System whose maximum sentence will expire, or whose release/parole has been approved by the applicable court and the defendant is scheduled to be released/paroled, between Wednesday, September 23, 2015 and Monday, September 28, 2015 shall be released on Wednesday, September 23rd, 2015.

This Order shall be filed with the Office of Judicial Records in a Docket maintained for orders issued by the Administrative Governing Board of the First Judicial District of Pennsylvania, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

*By the Court*

HONORABLE KEVIN M. DOUGHERTY,  
*Chair, Administrative Governing Board  
First Judicial District of Pennsylvania  
Administrative Judge, Trial Division,  
Court of Common Pleas, Philadelphia County*

[Pa.B. Doc. No. 15-1756. Filed for public inspection October 2, 2015, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MIFFLIN COUNTY

**In the Matter of Local Rules 58th Judicial District; No. 2 of 2015**

#### Administrative Order

And Now, this 15th day of September, 2015, with respect to the Mifflin County Local rules of Court, the Court hereby states the following:

The following Mifflin County Local rule of Court became effective July 1, 2014.

#### **I. Judicial Commitment to Caseflow Management.**

In order to promote the prompt and fair administration of justice for the citizens of Mifflin County, Pennsylvania, the Court of Common Pleas for the 58th Judicial District of Pennsylvania hereby adopts a case management plan for civil cases. The Court assumes the responsibility of ensuring the fair and prompt disposition of all cases as well as assuring effective and efficient use of Court resources paid for by taxpayers. Our success is attribut-

able to the commitment of this principle by each Judge, Court staff and County staff of this judicial district.

Goal setting provides the objectives and a benchmark for measuring its success. The Court must meet reasonable time standards for the processing and prompt disposition of various types of cases in terms of their nature and legal issues.

## II. Effective Communications with the Bar.

The Court shall have exclusive control over the scheduling of all court cases. Operative scheduling allows efficient case processing.

While attorneys should not control movement of the court calendar, it is equally inappropriate for the Court to ignore legitimate requests from counsel and parties. When reasonably made in a timely manner, the Court should make accommodations to attorneys, on behalf of their clients and as Officers of the Court, and the parties in the management of all cases.

## III. Early and Continuous Court Supervision of Case Progress.

To promote fair and expeditious case dispositions, the Court shall schedule trials to be held as soon after case commencement as the circumstances of each case warrant. This Court uses case management orders and status conferences to manage the civil docket. Status conferences are brief conferences at which the parties appear before the Court to explain the current status of the case. The Court orders counsel and/or the parties to appear for a status conference in those cases in which a period of inactivity follows the filing of the initial pleading in the case.

If, at status conference, the parties advise the Court they are in negotiations or have otherwise resolved the matter, the Court orders the parties to file a praecipe to withdraw and discontinue the case within ninety (90) days. Occasionally, the Court will provide the parties six (6) months to bring the matter to conclusion subject to case complexity.

Where agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter is continued to a specified date.

## IV. Event-Date Certainty.

Reasonable certainty about filing deadlines and event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date.

Mifflin County hosts three civil jury terms per year, i.e., February, June and October. Court Administration schedules annual dates for civil jury selections, pretrial conferences, dates for jury trials, nonjury trials and summary jury trials a year and one-half in advance upon preparation of the Annual Court Calendar. This ensures the Court can issue orders for future civil terms into the following year.

Case management orders are detailed, multi-page orders scheduling deadlines for discovery, a pretrial conference, jury selection and trial dates certain. Case management orders also attach counsel of record. A copy of the jury trial, nonjury trial and summary jury trial case management orders, with summary jury trial guidelines, are attached.

## V. Functional Case Management Information System.

The fully automated court computer system provides relevant, accurate and timely case information supporting

an efficient case management plan by tracking and maintaining cases and events. Monthly reports identify specific cases that have been pending longer than the time standards so appropriate steps can be taken.

## VI. Time Standards and Case Management Criteria.

### A. Court Ruling on Motions

1. Motions are decided pursuant to Pa.R.C.P. 208.4.
2. Each Judge monitors the status of all outstanding motions.

3. *Semi-annual Reports*—Pursuant to Pennsylvania Rule of Judicial Administration 703(B)(2), each Judge is responsible to report on matters submitted and undisposed for 90 days or more. Primary responsibility to ascertain and report on matters submitted and remaining undisposed shall be on the District Court Administrator.

### B. Differentiated Case Management by Case Track

Court Administration assigns a Judge, track and timelines based on the case type, number of parties and the timeframes established by this Court. These provisions govern each case unless changed per an attorney's request, upon management review by Court Administration or upon the Court's own directive. If the amount in controversy is less than \$50,000.00, the case proceeds on the expedited track directly to arbitration. The Court does not issue a trial order in compulsory arbitration cases.

### C. Expedited Track

A case is assigned to the expedited track when it appears it can be promptly tried with little pretrial discovery and other pretrial proceedings. Except in extraordinary circumstances, the Court strives to dispose of all expedited cases within twelve (12) months after initial filing. Upon completion of the discovery period, the case is given a date certain for arbitration or trial. In any case where an appeal for an arbitration award is filed, the case is given a date certain for a pretrial conference or non-jury trial forty-five (45) to sixty (60) days following the filing of the appeal. If settlement is not reached at the pre-trial conference, the case is scheduled for trial date certain.

### D. Standard Track

All cases not designated expedited or complex are standard civil cases. Except in extraordinary circumstances, the Court strives to dispose all standard cases within 24 months after initial filing. At pretrial conference, the Court will discuss the possibility of settlement, the possibility of alternative dispute resolution (if not already attempted), stipulations and any other appropriate issues. If settlement is not reached at the pretrial conference, the case is scheduled for trial.

### E. Complex Track

A case is assigned to the complex track when it is likely to require a disproportionate expenditure of court time and resources to bring the case to disposition. Civil cases involving construction contracts, three or more parties or claims of asbestos, medical malpractice or products liability are complex cases. Upon completion of the discovery period, the case is given a date certain for a pretrial conference. In addition to the ordinary matters discussed at pretrial conference, the Court shall attempt to determine whether the matter can be simplified through stipulations or settlements with respect to particular issues. If settlement is not reached at the pretrial conference, the case is scheduled for trial. Except in extraordinary circumstances, the Court strives to dispose all complex cases within 36 months after initial filing. See Page 5 for Case Management Track Criteria.

Case Management Track Criteria			
Case Type	Number of Parties	Management Track	Disposition Within
Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Rent, Lease, Ejectment Title to Real Property Replevin Appeals from District Justice Mechanic's Lien Other: Consumer or Credit	< 4	Fast	12 months
Employment/Wrongful Discharge Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Partition Right to Know Rent, Lease, Ejectment Title to Real Property Other: Consumer or Credit	> 4	Standard	< 24 months
Fraud Truth in Lending	Any Number	Standard	< 24 months
Class Action Construction Contracts Medical Malpractice Toxic Waste, Contamination & Environmental Professional Malpractice Toxic Tort Personal Injury Stockholders Suits Defamation, Discrimination, Malicious Prosecution Motor Vehicle Accident (over \$25,000) Motor Vehicle Product Liability Product Liability Product Liability Property Damage Contract Product Liability	Any Number	Complex	< 36 months

**VII. Inactive Cases.**

In cases eligible for administrative dismissal under Pa.R.J.A. 1901, the Court and the law clerks shall work with the Prothonotary annually to determine whether cases can be terminated due to inactivity. The Court shall send notice to counsel and/or the parties not less than thirty (30) days prior to the opportunity for hearing on such proposed termination. No case will be dismissed without prior review of the Prothonotary file for filings

that may not have been docketed. Where a party objects to the termination of an inactive matter, it is intended the Court exercise its judicial discretion.

*By the Court*

DAVID W. BARRON,  
*President Judge*

[Pa.B. Doc. No. 15-1757. Filed for public inspection October 2, 2015, 9:00 a.m.]



# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 87, 88 AND 90 ]

### Remining Requirements

The Environmental Quality Board (Board) proposes to amend the remining regulations in Chapter 87, Subchapter F, Chapter 88, Subchapter G and Chapter 90, Subchapter F (relating to surface coal mines: minimum requirements for remining areas with pollutional discharges; anthracite surface mining activities and anthracite bank removal and reclamation activities: minimum requirements for remining areas with pollutional discharges; and coal refuse disposal activities on areas with pre-existing pollutional discharges) to read as set forth in Annex A. This proposed rulemaking incorporates requirements of the Federal remining rules in 40 CFR Part 434, Subpart G (relating to coal remining) and the statistical methods in 40 CFR Part 434, Appendix B (relating to baseline determination and compliance monitoring for pre-existing discharges at remining operations).

This proposed rulemaking was adopted by the Board at its meeting of May 20, 2015.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Thomas Callaghan, PG, Director, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9376. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "The Environmental Quality Board").

#### C. Statutory Authority

This proposed rulemaking is authorized under the authority of section 5 of The Clean Streams Law (35 P. S. § 691.5), sections 4(a) and 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.4(a) and 1396.4b) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

#### D. Background and Purpose

The Commonwealth's existing remining program is implemented through Chapter 87, Subchapter F, Chapter 88, Subchapter G and Chapter 90, Subchapter F, as well as through technical guidance documents and individual permits. The regulations allow liability protection for remining operations conducted on abandoned mine lands with existing pollutional discharges by enabling the Department to determine the pollution baseline at a site and set effluent limitations accordingly. Currently, the Depart-

ment determines the pollution baseline using a single statistical method (Method 1), explained as follows, and incorporates the baseline in the individual permit. Likewise, effluent limitations are determined on a case-by-case basis.

Federal remining requirements are found in 40 CFR Part 434, Subpart G and Appendix B. The Federal requirements differ from the Pennsylvania requirements by providing the option of employing an alternative statistical method (Method 2) for determining the pollution baseline. The choice of methods depends on which method would more accurately characterize baseline levels due to site-specific factors.

The Federal regulations further provide for remining in cases in which the pollution baseline cannot be determined due to infeasibility of sampling and remining would result in significant water quality improvement that would not otherwise occur. Under these circumstances, the Federal regulations require an operator to submit a pollution abatement plan based on best management practices (BMP) without regard for numeric effluent limitations.

The preambles of the Federal remining regulations, proposed at 65 FR 19440 (April 11, 2000) and adopted at 67 FR 3370 (January 23, 2002), provide extensive additional background references explaining the statistical methods, BMPs and other requirements. Notably, the Federal regulations were informed by the extensive experience with remining in this Commonwealth.

The proposed rulemaking incorporates into the Commonwealth's regulations both statistical methods provided in the Federal regulations, eliminating the need to implement the methods through individual permits and providing flexibility regarding the choice of statistical method based on site-specific factors. The proposed rulemaking further provides for remining at sites in which it is infeasible to establish pollution baselines.

#### Summary of the Federal regulations

##### 40 CFR Part 434, Subpart G

Subpart G of 40 CFR Part 434 includes specialized definitions, applicability and effluent limitations for remining.

The following definitions are included in 40 CFR 434.70 (relating to specialized definitions): "coal remining operation," "pollution abatement area," "pre-existing discharge," "steep slope" and "new source remining operation."

Section 434.71 of 40 CFR (relating to applicability) includes a description of mine sites to which the regulations apply, requirements for water that is intercepted by remining activities, a grandfather clause for existing approved remining authorizations and a description of the time period during which the regulations apply.

The effluent limitations are established in four categories: best practicable control technology currently available (BPT); best available technology economically achievable (BAT); best conventional pollutant control technology (BCT); and new source performance standards (NSPS).

The BPT limitations in 40 CFR 434.72 (relating to effluent limitations attainable by the application of the best practicable control technology currently available (BPT)) are the most commonly applicable. The Federal BPT regulations require a site-specific pollution abate-

ment plan designed to reduce the pollution load. They also establish numerical effluent limitations for pre-existing discharges for total iron, total manganese, net acidity and total suspended solids. These effluent limitations may not exceed the baseline pollution load, as defined under the methods described in 40 CFR Part 434, Appendix B. The BPT limitations also allow for circumstances under which the numerical limitations are not applicable, specifically in cases in which it is infeasible to collect samples to establish the baseline pollution load.

The BAT limitations in 40 CFR 434.73 (relating to effluent limitations attainable by application of the best available technology economically achievable (BAT)) require a pollution abatement plan and compliance with the baseline pollution load for net acidity, iron and manganese.

The BCT limitations in 40 CFR 437.74 (relating to effluent limitations attainable by application of the best conventional pollutant control technology (BCT)) require a pollution abatement plan and compliance with the baseline pollution load for total suspended solids.

The NSPS limitations in 40 CFR 434.75 (relating to new source performance standards (NSPS)) require a pollution abatement plan and compliance with the baseline pollution load for acidity, iron, manganese and total suspended solids.

#### *40 CFR Part 434, Appendix B*

Appendix B of 40 CFR Part 434 includes the statistical methods for establishing the baseline pollution load and determining compliance with the numerical effluent limitations. There are two methods (Method 1 and Method 2) to establish the baseline provided in Appendix B. There are also two time frames to determine compliance, one on a monthly basis (single-observation) and the second on an annual basis. The thresholds to determine compliance are referred to as triggers.

Method 1 for the single-observation trigger uses a statistical method that determines the tolerance interval of the 95th percentile above the median and compares that value with the sample being evaluated. Method 2 for the single-observation trigger is a nonparametric estimate of the 99th percentile of loadings. Method 1 for the annual trigger compares the baseline with 1 year's monitoring data for loading using the 95th percentile confidence interval for the median of each data set. Method 2 for the annual trigger uses the Wilcoxon-Mann-Whitney test to compare the baseline and monitoring year being evaluated. The Wilcoxon-Mann-Whitney test is a ranking test.

When the single-observation trigger is exceeded in 2 consecutive months, accelerated (weekly, for 4 weeks) monitoring is required. If the accelerated sampling confirms the exceedance, then treatment of the discharge is required. If the accelerated sampling does not confirm the exceedance, then the accelerated sampling may be reduced to a monthly basis.

When the annual trigger is exceeded, treatment of the discharge is required.

#### *Project XL*

In April 2000, the United States Environmental Protection Agency (EPA) Region III and the Department entered into an agreement under the EPA's Project XL program which allowed for a modified approach to remining permits. Under this program, the water quality performance for eight pilot study remining sites was evaluated based on stream water quality rather than discharge pollutant

loading. Under this project, the basis for water quality evaluation was bimonthly receiving stream concentration data. The triggers were based on concentrations rather than loading.

The conclusion of the pilot study was that remining with in-stream monitoring was just as effective as the traditional discharge-based remining approach. Another conclusion was that the Project XL approach will encourage additional remining since it can be more cost-effective.

This proposed rulemaking deviates from the Federal regulations by requiring, in appropriate circumstances, in-stream baseline determinations and monitoring.

#### *Mining and Reclamation Advisory Board collaboration*

The Department collaborated with the Mining and Reclamation Advisory Board's (MRAB) Regulation, Legislation and Technical Committee to develop this proposed rulemaking. At its October 23, 2014, meeting, the MRAB voted for the proposed rulemaking to move forward in the regulatory process.

#### *E. Summary of Proposed Regulatory Requirements*

In drafting the proposed rulemaking, the Federal regulatory language was edited and inserted to fit the context of the Commonwealth's regulations. The edits include renumbering, formatting and substitutions of more specific references. For example, when the Federal regulations use "permitting authority," "Department" was substituted.

Some other proposed amendments are included to reflect current requirements that are included as permit conditions but will now be addressed in this regulation, instead.

#### *§§ 87.202, 88.502 and 90.302. Definitions*

The proposed rulemaking includes proposed definitions of "coal remining operation," "encountered discharge," "pollution abatement plan," "pre-existing discharge" and "steep slope." The definition of "abatement plan" is proposed to be deleted since this term is replaced by "pollution abatement plan." The definitions of "coal remining operation," "pollution abatement plan," "pre-existing discharge" and "steep slope" are based on the definitions in 40 CFR 434.70. The definition of "encountered discharge" is proposed since it is included in each remining permit issued.

The replacement of the definition of "abatement plan" with "pollution abatement plan" necessitates amendments throughout the proposed rulemaking to substitute the new term for the old one.

#### *§§ 87.203, 88.503 and 90.303. Applicability*

The rulemaking proposes to add §§ 87.203(c) and (d) and 90.303(c) and (d) (relating to applicability). Proposed subsection (c) is based on 40 CFR 434.71(a). Proposed subsection (d) is based on 40 CFR 434.71(c). Proposed amendments to § 88.503(a) (relating to applicability) apply the requirements to anthracite coal refuse disposal activities. Section 88.503(d) and (e) is proposed. Subsection (e) is based on 40 CFR 434.71(c). These proposed subsections establish the circumstances in which this rulemaking will apply.

#### *§§ 87.204, 88.504 and 90.304. Application for authorization*

Proposed amendments to §§ 87.204(a)(2)(ii), 88.504(a)(2)(ii) and 90.304(a)(2)(ii) (relating to application for authorization) add flow as a required monitoring

parameter because flow data is required to calculate loading. The proposed amendments also add “total” as a modifier of aluminum, since the water quality criterion for aluminum is expressed as a total.

Proposed amendments to §§ 87.204(a)(3), 88.504(a)(3) and 90.304(a)(3) reflect the requirements for a pollution abatement plan in 40 CFR 434.72(a). The existing requirements in §§ 87.204(a)(3), 88.504(a)(3) and 90.304(a)(3) are retained to provide more detail of what needs to be in a pollution abatement plan. Requirements in §§ 87.204(a)(3) and 88.504(a)(3) have been in place since 1985, and requirements in § 90.304(a)(3) have been in place since 2001. Each has proven effective.

Proposed §§ 87.204(a)(4) and (5), 88.504(a)(4) and (5) and 90.304(a)(4) and (5) clarify that the pollution abatement plan must include a calculation of the pollution baseline and the data used in its determination. This is currently required through the remining module of the application form for a coal mining permit.

Proposed amendments to §§ 87.204(b), 88.504(b) and 90.304(b) will allow, but not require, applicants to continue water monitoring after the baseline is established, but before the permit is issued. This approach was suggested by the MRAB Regulation, Legislation and Technical Committee. The Federal regulations are silent regarding this period of sampling.

*§§ 87.206, 88.506 and 90.306. Operational requirements*

Proposed amendments to §§ 87.206(1), 88.506(1) and 90.306(1) (relating to operational requirements) add more specific requirements for the monitoring program. These requirements are currently included in remining permits. Sections 87.206(3), 88.506(3) and 90.306(3), which include the requirement to notify the Department as steps of the abatement plan are initiated and completed, are proposed to be deleted. In addition, proposed amendments to these sections include notification requirements when accelerated sampling is required and to establish the triggers for when this accelerated sampling must begin and when it may end. These triggers regarding accelerated sampling are consistent with the requirements in paragraphs II.A.5 and II.B.5 of 40 CFR Part 434, Appendix B.

*§§ 87.207, 88.507 and 90.307. Treatment of discharges*

Proposed amendments to §§ 87.207(b), 88.507(b) and 90.307(b) (relating to treatment of discharges) allow for an exception from the requirement to treat individual discharges on sites where it is not feasible to collect samples to establish the baseline pollution load.

Sections 87.207(g)—(j), 88.507(g)—(j) and 90.307(g)—(j) are proposed to be added. Proposed subsection (g) requires a permittee to notify the Department if the treatment obligation is triggered subsequent to accelerated sampling. Proposed subsection (h) provides that the Department will notify the permittee if it has determined that the pollution baseline has been exceeded and that treatment must begin within 30 days of this notice. Proposed subsection (i) requires that encountered discharges be treated to meet the effluent limitations in the permit. Proposed subsection (j) provides clarification as to when the treatment of an encountered discharge may cease.

A cross-reference to § 88.292 (relating to hydrologic balance: effluent standards) is proposed to be added to § 88.507 to clarify that these requirements apply to anthracite coal refuse disposal activities. A cross-reference to § 88.295(b) (relating to hydrologic balance: diversions and conveyances) is proposed to be added to § 88.507(c).

*§§ 87.210, 88.510 and 90.310. Effluent limitations*

Proposed §§ 87.210, 88.510 and 90.310 (relating to effluent limitations) contain parallel subsections. Subsection (a) requires a pollution abatement plan, which must be approved by the Department and incorporated into the permit as an effluent limitation. Subsection (b) requires that the BMPs included in the pollution abatement plan be implemented. These subsections are based on 40 CFR 434.72(a).

The effluent limitations included in subsection (c)(1) are based on 40 CFR 434.72(b)(1). Subsection (c)(2) includes the exemption from the total suspended solids and settleable solids effluent limitations which are in the footnote to 40 CFR 434.72(b)(1)(iv).

Subsection (d) provides requirements for discharges for which it is not possible to establish the baseline pollutant levels. Subsection (d)(1) is based on 40 CFR 434.72(b)(2). The proposed requirements deviate from the Federal requirements in that they require the establishment of an in-stream baseline under some circumstances, while the Federal requirements do not require in-stream baseline determination under any circumstances. Subsection (d)(2) establishes the bimonthly stream sampling frequency to establish an in-stream pollution concentration baseline. Subsection (d)(3) establishes the monitoring and performance requirements for in-stream comparison with the baseline concentration. Subsection (d)(4) identifies the discharges for which it is not feasible to establish a pollutant baseline. This subsection lists the four categories explicitly identified under 40 CFR 434.72(b)(2). Subsection (d)(4) and 40 CFR 434.72(b)(2) allow for other categories. Subsection (d)(5) specifies the circumstances when in-stream monitoring is not indicative of the impact of remining. These circumstances were based on the experience from many years of observations of the in-stream impacts of remining and Project XL.

Subsection (e) provides for the possibility that pollutants other than iron, manganese, acidity or suspended solids may be eligible for effluent limitations using the approach established by Chapter 87, Subchapter F, Chapter 88, Subchapter G and Chapter 90, Subchapter F.

Subsection (f) identifies the discharges that are subject to the usual effluent limitations and not eligible for the limits established under the remining approach.

Subsection (g) describes when the limitations in subsection (f) are no longer applicable.

Subsection (h) states that the remining effluent limitations apply to eligible discharges until final bond release.

*§§ 87.211, 88.511 and 90.311. Baseline determination and compliance monitoring for pre-existing discharges at remining operations*

Proposed §§ 87.211—87.213, 88.511—88.513 and 90.311—90.313 contain parallel subsections and incorporate the statistical methods for determining baseline and compliance monitoring from 40 CFR Part 434, Appendix B.

Proposed §§ 87.211, 88.511 and 90.311 (relating to baseline determination and compliance monitoring for pre-existing discharges at remining operations) include procedures to be used for determining site-specific baseline pollutant loadings and for determining whether discharge loadings during coal remining operations have exceeded the baseline loading.

Subsection (a) requires that both monthly and annual compliance monitoring be done. This is based on the

requirement in paragraph I.a of 40 CFR Part 434, Appendix B. Subsection (b) requires at least one sample per month for determining the baseline and the annual compliance monitoring period. This is based on the requirement in paragraph I.b of 40 CFR Part 434, Appendix B. Subsection (c) requires the evaluation to be done of the load of the pollutant. This is based on the requirement in paragraph I.c of 40 CFR Part 434, Appendix B. Subsection (d) describes how the load is to be calculated. Subsection (e) allows for the substitution of values when the baseline concentration values are lower than the applicable technology-based effluent limitation guideline. Subsection (f) provides for the exceptions from the substitution of values allowed under subsection (e). Subsection (g) describes how the interquartile range is to be calculated. Subsections (e)—(g) are based on paragraph I.d of 40 CFR Part 434, Appendix B.

*§§ 87.212, 88.512 and 90.312. Procedure for calculating and applying a single-observation (monthly) trigger*

Proposed §§ 87.212, 88.512 and 90.312 (relating to procedure for calculating and applying a single-observation (monthly) trigger) provide two methods for calculating and applying the monthly trigger for compliance monitoring. Subsection (b) lists the steps for Method 1 for calculating the monthly trigger. This method is the same as the method used by the Department. Subsection (b) is based on paragraph II.A of 40 CFR Part 434, Appendix B. Subsection (c) lists the steps in applying the Method 1 monthly trigger. Subsection (d) lists the steps for Method 2 for calculating and applying the monthly trigger. This is based on paragraph II.B of Appendix B of 40 CFR 434.

*§§ 87.213, 88.513 and 90.313. Procedure for calculating and applying an annual trigger*

Sections 87.213, 88.513 and 90.313 (relating to procedure for calculating and applying an annual trigger) provide the two methods for calculating and applying the annual trigger specified in section III of 40 CFR Part 434, Appendix B. Subsection (b) lists the steps for Method 1 for calculating and applying the annual trigger. This is the same as the method used by the Department. It is based on paragraph III.A of 40 CFR Part 434, Appendix B. Subsection (c) lists the steps for Method 2 for calculating and applying the annual trigger. Method 2 for the annual trigger is a statistical test which uses ranking of the data. It is based on paragraph III.B of 40 CFR Part 434, Appendix B.

*§ 88.509. Criteria and schedule for release of bonds on pollution abatement areas*

Proposed amendments to § 88.509(b)(1) (relating to criteria and schedule for release of bonds on pollution abatement areas) include a cross-reference to § 88.287 (relating to vegetation-supporting material: available soil removal), which is applicable to anthracite coal refuse disposal activities. Proposed amendments to § 88.509(c)(1) include a cross-reference to § 88.133 (relating to postmining land use), which is applicable to anthracite surface mines. This is a correction of an omission from the original regulation.

*F. Benefits, Costs and Compliance*

*Benefits*

This proposed rulemaking will allow for additional reclamation of abandoned mine lands by providing protection to mine operators from long-term treatment liability. The proposed amendments that allow for remining in circumstances in which calculating the baseline pollution

load of discharges is not feasible have the potential to open up areas to remining where it was not previously possible. Remining typically results in substantial improvements in water quality.

*Compliance costs*

The primary compliance costs are related to water sampling and analysis and implementation of BMPs for the abatement of abandoned mine drainage. However, these costs are part of the planning process for a mine operator when they decide if an area is economically mineable. Overall, compliance costs for a mine operator are reduced since the proposed rulemaking will provide for protection from long-term treatment liability.

*Compliance Assistance Plan*

Compliance assistance for this proposed rulemaking will be provided through the Department's routine interaction with trade groups and individual applicants. There are about 500 licensed surface coal mining operators in this Commonwealth, most of which are small businesses that will be subject to the regulations.

*Paperwork requirements*

This proposed rulemaking requires additional information as part of a permit application in the form of a robust pollution abatement plan. Current applicants for remining are required to provide an abatement plan with a remining application. The additional requirements are more focused and may make it simpler to provide the required plans.

*G. Pollution Prevention*

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

*H. Sunset Review*

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

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 23, 2015, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

ment, the General Assembly and the Governor of comments, recommendations or objections raised.

#### J. Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by November 2, 2015. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by November 2, 2015. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or by express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>. Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

JOHN QUIGLEY,  
Chairperson

**Fiscal Note:** 7-496. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE I. LAND RESOURCES

#### CHAPTER 87. SURFACE MINING OF COAL

#### Subchapter F. SURFACE COAL MINES: MINIMUM REQUIREMENTS FOR REMINING AREAS WITH POLLUTIONAL DISCHARGES

#### § 87.202. Definitions.

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

[**Abatement plan**—An individual technique or combination of techniques, the implementation of which will result in reduction of the baseline pollution load. Abatement techniques include but are not limited to: Addition of alkaline material, special plans for managing toxic and acid forming material, regrading, revegetation and daylighting. ]

**Actual improvement**—The reduction of the baseline pollution load resulting from the implementation of the

approved **pollution** abatement plan; except that a reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement.

**Baseline pollution load**—The characterization of the pollution material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter, including seasonal variations and variations in response to precipitation events. The Department will establish in each authorization the specific parameters, including, at a minimum, iron and acid loadings, it deems relevant for the baseline pollution load.

**Best professional judgment**—The highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of all reasonably available and pertinent data. The treatment levels shall be established by the Department under sections 301 and 402 of the Federal [ **Water Pollution Control Act, act of June 30, 1948 (Ch. 758, 62 Stat. 1155)** ] **Clean Water Act (33 U.S.C.A. §§ 1311 and 1342)**.

**Best technology**—Measures and practices which will abate or ameliorate to the maximum extent possible pollutional discharges from or on the pollution abatement area. These measures include engineering, geochemical or other applicable practices.

**Coal remining operation**—A coal mining operation at a site on which coal mining was previously conducted and where the site has been abandoned or the performance bond has been forfeited.

#### **Encountered discharge**—

(i) A pre-existing discharge intercepted in the course of active surface mining activities, including, but not limited to, overburden removal, coal extraction and backfilling, or that occurs in the pit, any mining-related conveyance, sedimentation pond or treatment pond.

(ii) The term does not include diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area so long as they are designed, operated and maintained in accordance with § 87.105(b)—(g) (relating to hydrologic balance: diversions).

**Pollution abatement area**—The part of the permit area which is causing or contributing to the baseline pollution load, which shall include adjacent and nearby areas that must be affected to bring about significant improvement of the baseline pollution load, and which may include the immediate location of the discharges.

**Pollution abatement plan**—Best management practices (BMPs), including, but not limited to, the addition of alkaline material, special handling plans for managing toxic and acid forming material, regrading, revegetation and daylighting, that when implemented will result in reduction of the baseline pollution load.

#### **Pre-existing discharge**—

(i) Any discharge resulting from mining activities that have been abandoned prior to the time of a remining permit application.

(ii) The term includes a pre-existing discharge that is relocated as a result of the implementation BMPs in the pollution abatement plan.

**Steep slope—**

(i) Any slope, including abandoned mine land features, above 20 degrees or a lesser slope as may be defined by the Department after consideration of soil, climate and other characteristics of a region.

(ii) The term does not apply to situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered and through which the mining operation is to proceed, leaving a plain or predominantly flat area.

**§ 87.203. Applicability.**

\* \* \* \* \*

(b) Notwithstanding subsection (a), no authorization may be granted under this subchapter for repermitting under §§ 86.12 and 86.14 (relating to continued operation under interim permits; and permit application filing deadlines), permit renewals under § 86.55 (relating to permit renewals: general requirements) or permit transfers under § 86.56 (relating to transfer of permit).

(c) This subchapter applies to pre-existing discharges that are located within or are hydrologically connected to pollution abatement areas of a coal remining operation.

(d) When a coal remining operation seeks reissuance of an existing remining permit with best professional judgment limitations and the Department determines that it is not feasible for a remining operator to re-establish baseline pollutant levels in accordance with the statistical procedures in this subchapter, pre-existing discharge limitations at the existing remining operation remain subject to baseline pollutant levels established during the original permit application.

**§ 87.204. Application for authorization.**

(a) An operator who requests authorization under this subchapter shall comply with the permit application requirements of Chapter 86 (relating to surface and underground coal mining: general) and Subchapters A and C—E, except as specifically modified by this subchapter. The operator shall also:

(1) Delineate on a map the proposed pollution abatement area, including the location of the pre-existing discharges.

(2) Provide a description of the hydrologic balance for the proposed pollution abatement area that includes:

(i) Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events and modeled baseline pollution loads using this monitoring program.

(ii) Monitoring for **flow**, pH, alkalinity, acidity, total iron, total manganese, **total** aluminum, sulfates, total suspended solids and other water quality parameters the Department deems relevant.

(3) Provide a [ **description of the abatement plan that represents best technology and includes** ] **pollution abatement plan which must:**

(i) **Describe the pollution abatement area.**

(ii) **Be designed to reduce the pollution load from pre-existing discharges and identify the selected best management practices (BMPs) to be used.**

(iii) **Describe the design specifications, construction specifications, maintenance schedules, criteria for monitoring and inspection, and expected performance of the BMPs.**

(iv) **Represent best technology and include:**

[ (i) ] (A) Plans, cross-sections and schematic drawings describing the **pollution** abatement plan proposed to be implemented.

[ (ii) ] (B) A description and explanation of the range of abatement level that probably can be achieved, costs and each step in the proposed **pollution** abatement plan.

[ (iii) ] (C) A description of the standard of success for revegetation necessary to insure success of the **pollution** abatement plan.

(v) **Provide a description of and information on the pre-existing discharges hydrogeologically connected to the remining area.**

(4) **Determine the baseline pollution load.**

(5) **Provide the background data that are the bases for the baseline pollution load. The baseline pollution load shall be reported in pounds per day.**

(b) The operator seeking this authorization [ **shall** ] **may** continue the water quality and quantity monitoring program required by subsection (a)(2) after making the authorization request. The operator [ **shall** ] **may** submit the results of this continuing monitoring program to the Department on a monthly basis until a decision on the authorization request is made.

**§ 87.205. Approval or denial.**

(a) Authorization may not be granted under this subchapter unless the operator seeking the authorization affirmatively demonstrates to the satisfaction of the Department on the basis of information set forth in the application that:

(1) Neither the operator, nor an officer, principal shareholder, agent, partner, associate, parent corporation, contractor or subcontractor, or a related party as defined in [ **§ 86.63(1)** ] **§ 86.63(a)(1)** (relating to compliance information) has either of the following:

(i) Legal responsibility or liability as an operator for treating the water pollution discharges from or on the proposed pollution abatement area.

(ii) Statutory responsibility or liability for reclaiming the proposed pollution abatement area.

(2) The proposed **pollution** abatement plan will result in significant reduction of the baseline pollution load and represents best technology.

(3) The land within the proposed pollution abatement area can be reclaimed.

(4) The surface mining operation on the proposed pollution abatement area will not cause additional ground water degradation.

(5) The standard of success for revegetation will be achieved. The standard of success for revegetation shall be at a minimum:

(i) A ground cover of living plants not less than can be supported by the best available topsoil or other suitable material in the reaffected area.

(ii) A ground cover no less than that existing before disturbance of the area by mining activities.

(iii) Adequate vegetation to control erosion. Vegetation may be no less than that necessary to insure the success of the **pollution** abatement plan.

\* \* \* \* \*

**§ 87.206. Operational requirements.**

An operator who receives an authorization under this subchapter shall comply with the requirements of Chapter 86 (relating to surface and underground coal mining: general) and Subchapters A and C—E except as specifically modified by this subchapter. The operator shall also:

(1) Implement the approved water quality and quantity monitoring program for the pollution abatement area until the requirements of § 87.209 (relating to criteria and schedule for release of bonds on pollution abatement areas) are met. **The monitoring program must conform to the following:**

(i) **Sampling shall be conducted on a monthly basis for the pre-existing discharges and should adequately represent the seasonal range in loading rates as well as the median loading rate from each pre-existing discharge or combination of discharges.**

(ii) **Results shall be submitted on a quarterly basis.**

(iii) **Data must include the flow measurements and loading calculations.**

(2) Implement the approved **pollution** abatement plan.

**[ (3) Notify the Department immediately prior to the completion of each step of the abatement plan.**

**(4) Provide progress reports to the Department within 30 days after the completion of each step of the abatement program that include a notarized statement signed by the operator, and if required by the Department, a statement signed by the supervising engineer, that all work has been performed in accordance with the terms and conditions of the pollution abatement authorization, the approved maps, plans, profiles and specifications. ]**

**(3) Notify the Department when more frequent sampling is required.**

(i) **Weekly sampling of the pre-existing discharges shall begin if any two consecutive monthly samples of pollution load at any of the monitoring points or hydrologic units exceed one or more of the triggers established by the baseline data.**

(ii) **Weekly sampling requirements shall continue until two consecutive weekly sample analyses indicate that all parameters which triggered weekly sampling have dropped below the trigger established by the baseline data.**

**§ 87.207. Treatment of discharges.**

(a) Except for [ **preexisting** ] **pre-existing** discharges which are not encountered during mining or the implementation of the **pollution** abatement plan, the operator shall comply with § 87.102 (relating to hydrologic balance: effluent standards).

(b) **[ The ] Except as provided in § 87.210(d) (relating to effluent limitations), the operator shall treat the [ preexisting ] pre-existing discharges which are not encountered during mining or implementation of the pollution abatement plan to comply with the effluent limitations established by best professional judgment. The**

effluent limitations established by best professional judgment may not be less than the baseline pollution load. If the baseline pollution load, when expressed as a concentration for a specific parameter, satisfies the effluent limitations at § 87.102 for that parameter, the operator shall treat the [ **preexisting** ] **pre-existing** discharge for that parameter to comply with either effluent limitations established by best professional judgment or the effluent limitations at § 87.102.

(c) For purposes of subsections (a) and (b), the term encountered may not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the **pollution** abatement plan which would otherwise drain into the affected area, so long as the diversions are designed, operated and maintained under § 87.105(b)—(g) (relating to hydrologic balance: diversions).

(d) An operator required to treat [ **preexisting** ] **pre-existing** discharges will be allowed to discontinue treating the discharges under subsection (b) when the operator affirmatively demonstrates to the Department's satisfaction that:

(1) The [ **preexisting** ] **pre-existing** discharges are meeting the effluent limitations established by subsection (b) as shown by groundwater and surface water monitoring conducted by the operator or the Department.

(2) Surface coal mining activities under the permit—including the pollution abatement area—are being or were conducted under the requirements of the permit and the authorization, and Chapter 86 (relating to surface and underground coal mining: general) and this chapter except as specifically modified by this subchapter.

(3) The operator has implemented each step of the **pollution** abatement plan as approved in the authorization.

(4) The operator did not cause or allow additional groundwater degradation by re-affecting the pollution abatement area.

(e) If after discontinuance of treatment of discharges under subsection (d) the discharges fail to meet the effluent limitations established by subsection (b), the operator shall reinstate treatment of the discharges under subsection (b). An operator who reinstates treatment under this subsection will be allowed to discontinue treatment if the requirements of subsection (d) are met.

(f) Discontinuance of treatment under subsection (d) may not be deemed or construed to be or to authorize a release of bond under § 87.209 (relating to criteria and schedule for release of bonds on pollution abatement areas).

**(g) If four consecutive weekly determinations of pollution load, as required under § 87.206(3)(i) (relating to operational requirements), exceed one or more triggers, the permittee shall notify the Department and begin treatment within 30 days of the fourth sample in accordance with the treatment limits established in the permit.**

**(h) If the Department determines, through analysis of any data submitted pursuant to the monitoring requirements or any data collected by the Department, that there has been pollution loading degradation at any of the monitoring points or hydrologic units, the Department will notify the permittee accordingly. The permittee shall begin**

treatment within 30 days in accordance with the treatment limits established in the permit.

(i) Any pre-existing pollutional discharge which is an encountered discharge shall be treated to the effluent limitations in the permit until the discharge is no longer encountered.

(j) For the purposes of determining applicable effluent limitations, a discharge will continue to be deemed to be an encountered discharge until the surface mining area which has been disturbed and which contributes to the discharge has been back-filled and regraded, and revegetation work has started.

§ 87.209. Criteria and schedule for release of bonds on pollution abatement areas.

\* \* \* \* \*

(b) The Department will release an additional amount of bond for the authorized pollution abatement area but retain an amount sufficient to cover the cost to the Department of reestablishing vegetation if completed by a third party if the operator demonstrates and the Department finds that:

(1) The operator has replaced the topsoil or material conserved under § 87.97(d) (relating to topsoil: removal), completed final grading, planting and established revegetation under the approved reclamation plan and achieved the standards of success for revegetation in § 87.205(a)(5) (relating to approval or denial).

(2) The operator has not caused or contributed to surface water pollution or groundwater degradation by re-affecting or mining the pollution abatement area.

(3) The operator has complied with one of the following:

(i) Achieved the actual improvement of the baseline **pollution** load described in the approved **pollution** abatement plan and shown by ground and surface water monitoring conducted by the permittee for the time provided in the pollution abatement plan after completion of backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 87.205(a)(5).

(ii) Achieved the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by ground and surface water monitoring conducted by the operator or the Department for one of the following:

(I) For the 12 months prior to the date of application for bond release and until the bond release is approved under subsection (b), if backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 87.205(a)(5) have been completed.

(II) If treatment has been initiated at any time after initial bond release under subsection (a) and § 87.207(e) (relating to treatment of discharges), for 12 months from the discontinuance of treatment under § 87.207(d), if backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 87.205(a)(5) have been completed.

(B) Conducted the measures provided in the approved **pollution** abatement plan and additional measures specified by the Department in writing at the time of initial bond release under subsection (a) for the area requested for bond release.

\* \* \* \* \*

(Editor's Note: Sections 87.210—87.213 are new and printed in regular type to enhance readability.)

§ 87.210. Effluent limitations.

(a) *Approval and incorporation into permit.* The pollution abatement plan for the pollution abatement area must be approved by the Department and incorporated into the permit as an effluent limitation.

(b) *Implementation of best management practices.* The best management practices (BMPs) in the pollution abatement plan shall be implemented as specified in the plan.

(c) *Pre-existing discharges.*

(1) Except as provided in subsection (d), the following effluent limits apply to pre-existing discharges:

<i>Parameter</i>	<i>Effluent Limit</i>
Total Iron	May not exceed baseline loadings (as determined by this subchapter).
Total Manganese	May not exceed baseline loadings (as determined by this subchapter).
Acidity, Net	May not exceed baseline loadings (as determined by this subchapter).
Suspended Solids	During remining and reclamation, may not exceed baseline loadings (as determined by this subchapter). Prior to bond release, the pre-existing discharge must meet the applicable standards for suspended solids or settleable solids in § 87.102 (relating to hydrologic balance: effluent standards).

(2) A pre-existing discharge is exempt from meeting standards in § 87.102 for suspended solids and settleable solids when the Department determines that the standards are infeasible or impractical based on the site-specific conditions of soil, climate, topography, steep slopes or other baseline conditions provided that the operator demonstrates that significant reductions of suspended solids and settleable solids will be achieved through the incorporation of sediment control BMPs into the pollution abatement plan as required under subsection (a).

(d) *In-stream requirements.*

(1) If the Department determines that it is infeasible to collect samples for establishing the baseline pollutant levels under this subsection, and that remining will result in significant improvement that would not otherwise occur, the permit applicant may establish an in-stream baseline concentration at a suitable point downstream from the remining operation and the numeric effluent limitations in subsection (c)(1) do not apply.



(2) The in-stream baseline period must include, at a minimum, twice monthly monitoring for a minimum of a 1-year period and must adequately represent the seasonal range and median pollutant concentrations.

(3) Upon issuance of a surface mining permit, the operator shall continue, at a minimum, monthly monitoring of pollutant concentrations at the in-stream monitoring point referenced in paragraph (1), and make a determination as to whether or not there has been degradation of in-stream water quality.

(i) This determination shall be made on a quarterly basis and for each year defined as each consecutive 12-month period.

(ii) The operator is not required to treat individual pre-existing sources of pollution except as may be needed to maintain the in-stream baseline concentration.

(iii) Unless the operator can demonstrate to the satisfaction of the Department that the degradation was the result of factors that are not related to the remining, the operator shall treat one or more pre-existing pollutional discharges or undertake other pollution abatement measures to restore or improve the in-stream pollutant concentration to its baseline conditions.

(4) Pre-existing discharges for which it is infeasible to collect samples for determination of baseline pollutant levels include, but are not limited to:

(i) Discharges that exist as a diffuse groundwater flow that cannot be assessed by the collection of samples.

(ii) A base flow to a receiving stream that cannot be monitored separate from the receiving stream.

(iii) A discharge on a steep or hazardous slope that is inaccessible for sample collection.

(iv) A number of pre-existing discharges so extensive that monitoring of individual discharges is infeasible.

(5) When in-stream monitoring is not indicative of the impact of remining, the in-stream monitoring requirement may be waived by the Department. In-stream monitoring is not indicative of the impact of remining in circumstances including, but not limited to, the following:

(i) Remining sites in drainage areas exceeding 10 square miles.

(ii) Remining sites in watersheds where there are other influences on the in-stream water quality that make it impossible to establish the cause of water quality changes.

(iii) Remining sites where the  $Q_{7-10}$  stream flow is zero.

(e) *Limits.* Pollutants for which there are no effluent limitations established in § 87.102 may be eligible for limits established under this subchapter.

(f) *Applicability of standards.* Section 87.102 applies to a pre-existing discharge that is:

(1) Intercepted by surface mining activities.

(2) Commingled with waste streams from operational areas for the purposes of water treatment.

(g) *Cessation of applicability of standards.* Section 87.102 does not apply to a pre-existing discharge described in subsection (f) when the pre-existing discharge is no longer intercepted by surface mining activities or is no longer commingled with waste streams from operational areas for the purposes of water treatment.

(h) *Bond release.* The effluent limitations in this subchapter apply to pre-existing discharges until bond

release under the procedures in Chapter 86 (relating to surface and underground coal mining: general).

**§ 87.211. Baseline determination and compliance monitoring for pre-existing discharges at remining operations.**

(a) The procedures in this section shall be used for determining site-specific baseline pollutant loadings, and for determining whether discharge loadings during coal remining operations have exceeded the baseline loading. A monthly (single-observation) procedure and an annual procedure shall be applied.

(b) At least one sample result per month shall be obtained for 12 months to characterize pollutant loadings for:

(1) Baseline determination.

(2) Each annual monitoring period. It is required that at least one sample be obtained per month for 12 months.

(c) Calculations described in this subchapter shall be applied to pollutant loadings.

(d) Each loading value shall be calculated as the product of a flow measurement and pollutant concentration taken on the same date at the same discharge sampling point using standard units of flow and concentration.

(e) If the baseline concentration in a baseline sample is below the daily maximum effluent limits established in § 87.102 (relating to hydrologic balance: effluent standards), the baseline sample concentration may be replaced with daily maximum effluent limit for the purposes of some of the statistical calculations in this subchapter.

(f) The substituted values should be used for all methods in this subchapter except for:

(1) The calculation of the interquartile range (R) in Method 1 for the annual trigger (Step 3).

(2) Method 2 for the single observation trigger (Step 3).

(g) The interquartile range (R) is calculated as the difference between the quartiles  $M_{-1}$  and  $M_1$ ; the values for quartiles  $M_{-1}$  and  $M_1$  should be calculated using actual loadings (based on measured concentrations) when they are used to calculate the interquartile range (R).

**§ 87.212. Procedure for calculating and applying a single-observation (monthly) trigger.**

(a) This section contains two alternative methods for calculating a single-observation trigger. One method must be proposed by the applicant to be approved and applied by the Department for a remining permit.

(b) Method 1 for calculating a single observation trigger (L) is accomplished by completing the following steps:

(1) Count the number of baseline observations taken for the pollutant of interest. Label this number n. To sufficiently characterize pollutant loadings during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for 12 months.

(2) Order all baseline loading observations from lowest to highest. Let the lowest number (minimum) be  $x_{(1)}$ , the next lowest be  $x_{(2)}$ , and so forth until the highest number (maximum) is  $x_{(n)}$ .

(3) If fewer than 17 baseline observations were obtained, the single observation trigger (L) will equal the maximum of the baseline observations ( $x_{(n)}$ ).

(4) If at least 17 baseline observations were obtained, calculate the median (M) of all baseline observations. If n is odd, then M equals  $x_{(n/2+1/2)}$ . If n is even, then M equals  $0.5 * (x_{(n/2)} + x_{(n/2+1)})$ .

(5) Next, calculate  $M_1$  as the median of the subset of observations that range from the calculated M to the maximum  $x_{(n)}$ ; that is, calculate the median of all x larger than or equal to M.

(6) Next, calculate  $M_2$  as the median of the subset of observations that range from the calculated  $M_1$  to  $x_{(n)}$ ; that is, calculate the median of all x larger than or equal to  $M_1$ .

(7) Next, calculate  $M_3$  as the median of the subset of observations that range from the calculated  $M_2$  to  $x_{(n)}$ ; that is, calculate the median of all x larger than or equal to  $M_2$ .

(8) Finally, calculate the single observation trigger (L) as the median of the subset of observations that range from the calculated  $M_3$  to  $x_{(n)}$ .

(9) When subsetting the data for each of the steps in paragraphs (5)–(8), the subset should include all observations greater than or equal to the median calculated in the previous step. If the median calculated in the previous step is not an actual observation, it is not included in the new subset of observations. The new median value will then be calculated using the median procedure, based on whether the number of points in the subset is odd or even.

(c) The method for applying the single observation trigger (L) to determine when the baseline level has been exceeded is as follows:

(1) If two successive monthly monitoring observations both exceed L, immediately begin weekly monitoring for 4 weeks (four weekly samples).

(2) If three or fewer of the weekly observations exceed L, resume monthly monitoring.

(3) If all four weekly observations exceed L, the baseline pollution loading has been exceeded.

(d) Method 2 for calculating a single observation trigger (L) is accomplished by completing the following steps:

(1) Follow Method 1 in subsection (b) to obtain  $M_1$  (the third quartile, that is, the 75th percentile).

(2) Calculate  $M_{-1}$  as the median of the baseline data which are less than or equal to the sample median M.

(3) Calculate interquartile range,  $R = (M_1 - M_{-1})$ .

(4) Calculate the single observation trigger L as  $L = M_1 + 3 * R$ .

(5) If two successive monthly monitoring observations both exceed L, immediately begin weekly monitoring for 4 weeks (four weekly samples).

(6) If three or fewer of the weekly observations exceed L, resume monthly monitoring.

(7) If all four weekly observations exceed L, the baseline pollution loading has been exceeded.

**§ 87.213. Procedure for calculating and applying an annual trigger.**

(a) This section contains two alternative methods for calculating the annual trigger. One method shall be proposed by the applicant to be approved and applied by the Department for a reminging permit.

(b) Method 1 for calculating and applying an annual trigger (T) is accomplished by completing the following steps:

(1) Calculate M and  $M_1$  of the baseline loading data as described under Method 1 for the single observation trigger in § 87.212(b) (relating to procedure for calculating and applying a single-observation (monthly) trigger).

(2) Calculate  $M_{-1}$  as the median of the baseline data which are less than or equal to the sample median M.

(3) Calculate the interquartile range,  $R = (M_1 - M_{-1})$ .

(4) The annual trigger for baseline (Tb) is calculated as

$$Tb = M + (1.815 * R) / \text{SQRT}(n)$$

where n is the number of baseline loading observations.

(5) To compare baseline loading data to observations from the annual monitoring period, repeat the steps in paragraphs (1)–(3) for the set of monitoring observations. Label the results of the calculations M' and R'. Let m be the number of monitoring observations.

(6) The subtle trigger (Tm) of the monitoring data is calculated as

$$Tm = M' - (1.815 * R') / \text{SQRT}(m)$$

(7) If  $Tm > Tb$ , the median loading of the monitoring observations has exceeded the baseline loading.

(c) Method 2 for calculating and applying an annual trigger (T) is accomplished by completing the following steps:

(1) Let n be the number of baseline loading observations taken, and let m be the number of monitoring loading observations taken. To sufficiently characterize pollutant loadings during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for a period of 12 months.

(2) Order the combined baseline and monitoring observations from smallest to largest.

(3) Assign a rank to each observation based on the assigned order: the smallest observation will have rank 1, the next smallest will have rank 2 and so forth, up to the highest observation, which will have rank n + m. If two or more observations are tied (have the same value), then the average rank for those observations should be used.

(4) Sum all the assigned ranks of the n baseline observations, and let this sum be  $S_n$ .

(5) Obtain the critical value (C) from Table 1.

(6) Compare C to  $S_n$ . If  $S_n$  is less than C, then the monitoring loadings have exceeded the baseline loadings.

(7) Critical values for the Wilcoxon-Mann-Whitney test are as follows:

(i) When n and m are less than 21, use Table 1. To find the appropriate critical value, match column with correct n (number of baseline observations) to row with correct m (number of monitoring observations).

Table 1—Critical Values (C) of the Wilcoxon-Mann-Whitney Test (for a one-sided test at the 0.001 significance level)

n \ m	10	11	12	13	14	15	16	17	18	19	20
10	66	79	93	109	125	142	160	179	199	220	243
11	68	82	96	112	128	145	164	183	204	225	248
12	70	84	99	115	131	149	168	188	209	231	253
13	73	87	102	118	135	153	172	192	214	236	259
14	75	89	104	121	138	157	176	197	218	241	265
15	77	91	107	124	142	161	180	201	223	246	270
16	79	94	110	127	145	164	185	206	228	251	276
17	81	96	113	130	149	168	189	211	233	257	281
18	83	99	116	134	152	172	193	215	238	262	287
19	85	101	119	137	156	176	197	220	243	268	293
20	88	104	121	140	160	180	202	224	248	273	299

(ii) When  $n$  or  $m$  is greater than 20 and there are few ties, calculate an approximate critical value using the following formula and round the result to the next larger integer. Let  $N = n + m$ .

$$\text{Critical Value} = 0.5 * n * (N + 1) - 3.0902 * \text{SQRT}(n * m * (N + 1) / 12)$$

(iii) When  $n$  or  $m$  is greater than 20 and there are many ties, calculate an approximate critical value using the following formula and round the result to the next larger integer. Let  $S$  be the sum of the squares of the ranks or average ranks of all  $N$  observations. Let  $N = n + m$ .

$$\text{Critical Value} = 0.5 * n * (N + 1) - 3.0902 * \text{SQRT}(V)$$

In the preceding formula, calculate  $V$  using:

$$V = (n * m * S) / (N * (N - 1) - (n * m * (N + 1)^2 / (4 * (N - 1)))$$

## CHAPTER 88. ANTHRACITE COAL

### Subchapter G. ANTHRACITE SURFACE MINING ACTIVITIES AND ANTHRACITE BANK REMOVAL AND RECLAMATION ACTIVITIES: MINIMUM REQUIREMENTS FOR REMINING AREAS WITH POLLUTIONAL DISCHARGES

#### § 88.502. Definitions.

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

**[Abatement plan—An individual technique or combination of techniques, the implementation of which will result in reduction of baseline pollution load. Abatement techniques may include, but are not limited to: Addition of alkaline material, special plans for managing toxic and acid forming material, regrading, revegetation and daylighting. ]**

**Actual improvement—**The reduction of the baseline pollution load resulting from the implementation of the approved **pollution** abatement plan, except that a reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement.

**Baseline pollution load—**The characterization of the pollutional material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter, including seasonal variations and variations in response to precipitation events. The Department will establish in each authorization the specific parameters, including, at a minimum, iron and acid loadings, it deems relevant for the baseline pollution load.

**Best professional judgment—**The highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of reasonably available and pertinent data. The treatment levels shall be established by the Department in accordance with the requirements of sections 301 and 402 of the Federal [ **Clean Water Act of 1977, act of December 27, 1977 (Pub. L. No. 95-217, 91 Stat. 1566—1609) ] Clean Water Act (33 U.S.C.A. §§ 1311 and 1342).**

**Best technology—**Measures and practices which will abate or ameliorate to the maximum extent possible pollutional discharges from or on the pollution abatement area. These measures include engineering, geochemical or applicable practices.

**Coal remining operation—**A coal mining operation at a site on which coal mining was previously conducted and where the site has been abandoned or the performance bond has been forfeited.

**Encountered discharge—**

(i) A pre-existing discharge intercepted in the course of active surface mining activities, including, but not limited to, overburden removal, coal extraction and backfilling, or that occurs in the pit, any mining-related conveyance, sedimentation pond or treatment pond.

(ii) The term does not include diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area so long as they are designed, operated and maintained in accordance with § 88.95(b)—(g), § 88.190(b)—(g) or § 88.295(b)—(g) (relating to hydrologic balance: diversions; hydrologic balance: diversions; and hydrologic balance: diversions and conveyances), as applicable.

**Pollution abatement area—**The part of the permit area which is causing or contributing to the baseline pollution load, which shall include adjacent and nearby areas that must be affected to bring about significant improvement of the baseline pollution load, and which may include the immediate location of the discharges.

**Pollution abatement plan—**Best management practices (BMPs), including, but not limited to, the addition of alkaline material, special handling plans for managing toxic and acid forming material, regrading, revegetation and daylighting, that when implemented will result in reduction of the baseline pollution load.

*Pre-existing discharge—*

(i) Any discharge resulting from mining activities that have been abandoned prior to the time of a remining permit application.

(ii) The term includes a pre-existing discharge that is relocated as a result of the implementation BMPs in the pollution abatement plan.

*Steep slope—*

(i) Any slope, including abandoned mine land features, above 20 degrees or a lesser slope as may be defined by the Department after consideration of soil, climate and other characteristics of a region.

(ii) The term does not apply to situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered and through which the mining operation is to proceed, leaving a plain or predominantly flat area.

§ 88.503. Applicability.

(a) This subchapter is applicable only to surface mining activities and bank removal and reclamation activities as defined in § 88.1 (relating to definitions) and coal refuse disposal activities subject to Subchapter D (relating to anthracite refuse disposal: minimum environmental protection performance standards).

\* \* \* \* \*

(c) Notwithstanding subsection (a), no authorization may be granted under this subchapter for repermitting under §§ 86.12 and 86.14 (relating to continued operation under interim permits; and permit application filing deadlines), permit renewals under § 86.55 (relating to permit renewals: general requirements), or permit transfers under § 86.56 (relating to transfer of permit).

(d) This subchapter applies to pre-existing discharges that are located within or are hydrologically connected to pollution abatement areas of a coal remining operation.

(e) When a coal remining operation seeks reissuance of an existing remining permit with best professional judgment limitations and the Department determines that it is not feasible for a remining operator to re-establish baseline pollutant levels in accordance with the statistical procedures in this subchapter, pre-existing discharge limitations at the existing remining operation remain subject to baseline pollutant levels established during the original permit application.

§ 88.504. Application for authorization.

(a) An operator who requests authorization under this subchapter shall comply with the permit application requirements of Chapter 86 (relating to surface and underground coal mining: general) and [ Chapter 87, Subchapter B (Reserved), and Subchapter A and either Subchapters B or C—whichever is applicable—of this chapter ] Subchapter A (relating to general provisions) and either Subchapter B, C or D (relating to surface anthracite coal mines: minimum environmental protection performance standards; anthracite bank removal and reclamation: minimum environmental protection performance standards; and anthracite refuse disposal: minimum environmental protection performance standards), whichever is applicable, except as specifically

modified by this subchapter. The operator shall also comply with all of the following:

(1) Delineate on a map the proposed pollution abatement area, including the location of the [ preexisting ] pre-existing discharges.

(2) Provide a description of the hydrologic balance for the proposed pollution abatement area that includes:

(i) Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events, and modeled baseline pollution loads using this monitoring program.

(ii) Monitoring for flow, pH, alkalinity, acidity, total iron, total manganese, total aluminum, sulfates, total suspended solids and other water quality parameters the Department deems relevant.

(3) Provide a [ description of the abatement plan that includes ] pollution abatement plan which must:

(i) Describe the pollution abatement area.

(ii) Be designed to reduce the pollution load from pre-existing discharges and must identify the selected best management practices (BMPs) to be used.

(iii) Describe the design specifications, construction specifications, maintenance schedules, criteria for monitoring and inspection, and expected performance of the BMPs.

(iv) Represent the best technology and include:

[ (i) ] (A) Plans, cross sections and schematic drawings describing the pollution abatement plan proposed to be implemented.

[ (ii) ] (B) A description and explanation of the range of abatement that probably can be achieved, costs and each step in the proposed pollution abatement plan.

[ (iii) ] (C) A description of the standard of success for revegetation necessary to insure success of the pollution abatement plan.

(v) Provide a description of and information on the pre-existing discharges hydrologically connected to the remining area.

(4) Determine the baseline pollution load.

(5) Provide the background data that are the bases for the baseline pollution load. The baseline pollution load shall be reported in pounds per day.

(b) The operator seeking this authorization [ shall ] may continue the water quality and quantity monitoring program required by subsection (a)(2) after making the authorization request. The operator [ shall ] may submit the results of this continuing monitoring program to the Department on a monthly basis until a decision on the authorization request is made.

§ 88.505. Approval or denial.

(a) No authorization may be granted under this subchapter unless the operator seeking the authorization affirmatively demonstrates to the satisfaction of the Department on the basis of information set forth in the application that:

(1) Neither the operator, nor an officer, principal shareholder, agent, partner, associate, parent corporation, contractor or subcontractor, or a related party as defined in [ § 86.63(1) ] § 86.63(a)(1) (relating to compliance information) has either of the following:

(i) Legal responsibility or liability as an operator for treating the water pollution discharges from or on the proposed pollution abatement area.

(ii) Legal responsibility or liability for reclaiming the proposed pollution abatement area.

(2) The proposed **pollution** abatement plan will result in significant reduction of the baseline pollution load and represents best technology.

(3) The land within the proposed pollution abatement area can be reclaimed.

(4) The surface mining operation on the proposed pollution abatement area will not cause additional groundwater degradation.

(5) The standard of success for revegetation will be achieved. The standard of success for revegetation shall be at a minimum:

(i) A ground cover of living plants not less than can be supported by the best available topsoil or other suitable material in the reaffected area.

(ii) A ground cover no less than that existing before disturbance of the area by mining activities.

(iii) Adequate vegetation to control erosion. Vegetation may not be less than that necessary to insure the success of the **pollution** abatement plan.

\* \* \* \* \*

#### § 88.506. Operational requirements.

An operator who receives an authorization under this subchapter shall comply with the requirements of [ Chapter 87, Subchapter B (Reserved), and Subchapter A and either Subchapters B or C—whichever is applicable—of this chapter ] Subchapter A (relating to general provisions) and either Subchapter B, C or D (relating to surface anthracite coal mines: minimum environmental protection performance standards; anthracite bank removal and reclamation: minimum environmental protection performance standards; and anthracite refuse disposal: minimum environmental protection performance standards), whichever is applicable, except as specifically modified by this subchapter. The operator shall also:

(1) Implement the approved water quality and quantity monitoring program for the pollution abatement area until the requirements of § 88.509 (relating to criteria and schedule for release of bonds on pollution abatement areas) are met. **The monitoring program must conform to the following:**

(i) **Sampling shall be conducted on a monthly basis for the pre-existing discharges and should adequately represent the seasonal range in loading rates as well as the median loading rate from each pre-existing discharge or combination of discharges.**

(ii) **Results shall be submitted on a quarterly basis.**

(iii) **Data must include the flow measurements and loading calculations.**

(2) Implement the approved **pollution** abatement plan.

[ (3) **Notify the Department immediately prior to the completion of each step of the abatement plan.**

(4) **Provide progress reports to the Department within 30 days after the completion of each step of**

**the abatement program that include a notarized statement signed by the operator, and if required by the Department, a statement signed by the supervising engineer, that all work has been performed in accordance with the terms and conditions of the pollution abatement authorization, the approved maps, plans, profiles and specifications. ]**

(3) **Notify the Department when more frequent sampling is required.**

(i) **Weekly sampling of the pre-existing discharges shall begin if any two consecutive monthly samples of pollution load at any of the monitoring points or hydrologic units exceed one or more of the triggers established by the baseline data.**

(ii) **Weekly sampling requirements shall continue until two consecutive weekly sample analyses indicate that all parameters which triggered weekly sampling have dropped below the trigger established by the baseline data.**

#### § 88.507. Treatment of discharges.

(a) Except for [ **preexisting** ] **pre-existing** discharges which are not encountered during mining or the implementation of the **pollution** abatement plan, the operator shall comply with §§ 88.92 [ **and** ], 88.187 **and** 88.292 (relating to hydrologic balance: effluent standards[ ; **and hydrologic balance: effluent standards** ]).

(b) [ **The** ] **Except as provided in § 88.510(d) (relating to effluent limitations), the operator shall treat the [ preexisting ] pre-existing** discharges which are not encountered during mining or implementation of the **pollution** abatement plan to comply with the effluent limitations established by best professional judgment. The effluent limitations established by best professional judgment may not be less than baseline pollution load. If the baseline pollution load when expressed as a concentration for a specific parameter satisfies the effluent limitations at §§ 88.92 [ **and** ], 88.187 **and** 88.292 for that parameter, the operator shall treat the [ **preexisting** ] **pre-existing** discharge for that parameter to comply with effluent limitations established by best professional judgment or the effluent limitations at §§ 88.92 [ **and** ], 88.187 **and** 88.292.

(c) For purposes of subsections (a) and (b), the term “encountered” may not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the **pollution** abatement plan which would otherwise drain into the affected area, so long as the diversions are designed, operated and maintained under §§ 88.95(b) [ **and** ], 88.190(b) **and** 88.295(b) (relating to hydrologic balance: diversions; **hydrologic balance: diversions; and hydrologic balance: diversions and conveyances**).

(d) An operator required to treat [ **preexisting** ] **pre-existing** discharges will be allowed to discontinue treating the discharges under this section when the operator affirmatively demonstrates to the Department’s satisfaction that:

(1) The [ **preexisting** ] **pre-existing** discharges are meeting the effluent limitations established by subsection (b) as shown by groundwater and surface water monitoring conducted by the operator or the Department.

(2) Surface coal mining activities under the permit—including the pollution abatement area—are being or were conducted in accordance with the requirements of the permit and the authorization, Chapter 86 (relating to surface and underground coal mining: general) and this chapter, except as specifically modified by this subchapter.

(3) The operator has implemented each step of the **pollution** abatement plan as approved in the authorization.

(4) The operator did not cause or allow additional groundwater degradation by re-affecting the pollution abatement area.

(e) If after discontinuance of treatment of discharges under subsection (d) the discharges fail to meet the effluent limitations established by subsection (b), the operator shall reinstitute treatment of the discharges in accordance with subsection (b). An operator who reinstates treatment under this subsection will be allowed to discontinue treatment if the requirements of subsection (d) are met.

(f) Discontinuance of treatment under subsection (d) may not be deemed or construed to be or to authorize a release of bond under § 88.509 (relating to criteria and schedule for release of **[ bond ] bonds** on pollution abatement areas).

**(g) If four consecutive weekly determinations of pollution load, as required under § 88.506(3)(i) (relating to operational requirements), exceed one or more triggers, the permittee shall notify the Department and begin treatment within 30 days of the fourth sample in accordance with the treatment limits established in the permit.**

**(h) If the Department determines, through analysis of any data submitted pursuant to the monitoring requirements or any data collected by the Department, that there has been pollution loading degradation at any of the monitoring points or hydrologic units, the Department will notify the permittee accordingly. The permittee shall begin treatment within 30 days in accordance with the treatment limits established in the permit.**

**(i) Any pre-existing pollutional discharge which is an encountered discharge shall be treated to the effluent limitations in the permit until the discharge is no longer encountered.**

**(j) For the purposes of determining applicable effluent limitations, a discharge will continue to be deemed to be an encountered discharge until the surface mining area which has been disturbed and which contributes to the discharge has been back-filled and regraded, and revegetation work has started.**

**§ 88.509. Criteria and schedule for release of bonds on pollution abatement areas.**

\* \* \* \* \*

(b) The Department will release an additional amount of bond for the authorized pollution abatement area but retaining an amount sufficient to cover the cost to the Department of reestablishing vegetation if completed by a third party if the operator demonstrates and the Department finds that:

(1) The operator has replaced the topsoil or material conserved under §§ 88.87 **[ and ]**, 88.183 **and** 88.287 (relating to vegetation-supporting material: available soil

removal; **[ and ]** vegetation-supporting material: soil; **and vegetative-supporting material: available soil removal**), completed final grading, planting and established revegetation in accordance with the approved reclamation plan and achieved the standard of success for revegetation in § 88.505(a)(5) (relating to approval or denial).

(2) The operator has not caused or contributed to surface water pollution or groundwater degradation by re-affecting or mining the pollution abatement area.

(3) The operator has complied with one of the following:

(i) Achieved the actual improvement of the baseline pollution load described in the approved **pollution** abatement plan and shown by all ground and surface water monitoring conducted by the permittee for the period of time provided in the **pollution** abatement plan after completion of backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 88.505(a)(5).

(ii) Achieved all of the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by all ground and surface water monitoring conducted by the operator or the Department:

(I) For 12 months prior to the date of application for bond release and until the bond release is approved under subsection (b), if backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 88.505(a)(5) have been completed.

(II) If treatment has been initiated at any time after initial bond release under subsection (a) and in accordance with § 88.507(e) (relating to treatment of discharges), for 12 months from the discontinuance of treatment under § 88.507(d), if backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 88.505(a)(5) have been completed.

(B) Conducted all measures provided in the approved **pollution** abatement plan and additional measures specified by the Department in writing at the time of initial bond release under subsection (a) for the area requested for bond release.

(C) Caused aesthetic or other environmental improvements or elimination of public health and safety problems by re-mining and re-affecting the pollution abatement area.

(D) Stabilized the pollution abatement area.

(c) The Department will release the remaining portion of the amount of bond on the authorized pollution abatement area if the applicant demonstrates and the Department finds that:

(1) The operator has successfully completed all the approved abatement and reclamation plans and the pollution abatement area is capable of supporting the postmining land use approved under §§ 88.133, 88.221 and 88.334 (relating to **postmining land use**; postmining land use; and postdisposal land use).

(2) The operator has complied with the permit and the authorization, Chapter 86 and this chapter, except as specifically modified by this subchapter.

(3) The operator has not caused degradation of the baseline pollution load from the time of bond release under subsection (b) or, if treatment has been initiated after bond release under subsection (b) in accordance with § 88.507(e) for 5 years from the discontinuance of treatment under § 88.507(d).

(4) The applicable liability period has expired under § 86.151 (relating to period of liability).

*(Editor's Note: Sections 88.510—88.513 are new and printed in regular type to enhance readability.)*

**§ 88.510. Effluent limitations.**

(a) *Approval and incorporation into permit.* The pollution abatement plan for the pollution abatement area must be approved by the Department and incorporated into the permit as an effluent limitation.

(b) *Implementation of best management practices.* The best management practices (BMPs) in the pollution abatement plan shall be implemented as specified in the plan.

(c) *Pre-existing discharges.*

(1) Except as provided in subsection (d), the following effluent limits apply to pre-existing discharges:

Parameter	Effluent Limit
Total Iron	May not exceed baseline loadings (as determined by this subchapter).
Total Manganese	May not exceed baseline loadings (as determined by this subchapter).
Acidity, Net	May not exceed baseline loadings (as determined by this subchapter).
Suspended Solids	During remining and reclamation, may not exceed baseline loadings (as determined by this subchapter). Prior to bond release, the pre-existing discharge must meet the applicable standards for suspended solids or settleable solids in § 88.92, § 88.187 or § 88.292 (relating to hydrologic balance: effluent standards).

(2) A pre-existing discharge is exempt from meeting standards in § 88.92, § 88.187 or § 88.292 for suspended solids and settleable solids when the Department determines that the standards are infeasible or impractical based on the site-specific conditions of soil, climate, topography, steep slopes or other baseline conditions provided that the operator demonstrates that significant reductions of suspended solids and settleable solids will be achieved through the incorporation of sediment control BMPs into the pollution abatement plan as required under subsection (a).

(d) *In-stream requirements.*

(1) If the Department determines that it is infeasible to collect samples for establishing the baseline pollutant levels under this subsection, and that remining will result in significant improvement that would not otherwise occur, the permit applicant may establish an in-stream baseline concentration at a suitable point downstream from the remining operation and the numeric effluent limitations in subsection (c)(1) do not apply.

(2) The in-stream baseline period must include, at a minimum, twice monthly monitoring for a minimum of a 1-year period and must adequately represent the seasonal range and median pollutant concentrations.

(3) Upon issuance of a surface mining permit, the operator shall continue, at a minimum, monthly monitoring of pollutant concentrations at the in-stream monitoring point referenced in paragraph (1), and make a determination as to whether or not there has been degradation of in-stream water quality.

(i) This determination shall be made on a quarterly basis and for each year defined as each consecutive 12-month period.

(ii) The operator is not required to treat individual pre-existing sources of pollution except as may be needed to maintain the in-stream baseline concentration.

(iii) Unless the operator can demonstrate to the satisfaction of the Department that the degradation was the result of factors that are not related to the remining, the operator shall treat one or more pre-existing pollutional discharges or undertake other pollution abatement measures to restore or improve the in-stream pollutant concentration to its baseline conditions.

(4) Pre-existing discharges for which it is infeasible to collect samples for determination of baseline pollutant levels include, but are not limited to:

(i) Discharges that exist as a diffuse groundwater flow that cannot be assessed by the collection of samples.

(ii) A base flow to a receiving stream that cannot be monitored separate from the receiving stream.

(iii) A discharge on a steep or hazardous slope that is inaccessible for sample collection.

(iv) A number of pre-existing discharges so extensive that monitoring of individual discharges is infeasible.

(5) When in-stream monitoring is not indicative of the impact of remining, the in-stream monitoring requirement may be waived by the Department. In-stream monitoring is not indicative of the impact of remining in circumstances including, but not limited to, the following:

(i) Remining sites in drainage areas exceeding 10 square miles.

(ii) Remining sites in watersheds where there are other influences on the in-stream water quality that make it impossible to establish the cause of water quality changes.

(iii) Remining sites where the  $Q_{7-10}$  stream flow is zero.

(e) *Limits.* Pollutants for which there are not effluent limitations established in § 88.92, § 88.187 or § 88.292 may be eligible for limits established under this subchapter.

(f) *Applicability of standards.* Section 88.92, § 88.187 or § 88.292 applies to a pre-existing discharge that is:

(1) Intercepted by surface mining activities.

(2) Commingled with waste streams from operational areas for the purposes of water treatment.

(g) *Cessation of applicability of standards.* Section 88.92, § 88.187 or § 88.292 does not apply to a pre-existing discharge described in subsection (f) when the pre-existing discharge is no longer intercepted by surface mining activities or is no longer commingled with waste streams from operational areas for the purposes of water treatment.

(h) *Bond release.* The effluent limitations in this subchapter apply to pre-existing discharges until bond release under the procedures in Chapter 86 (relating to surface and underground coal mining: general).

**§ 88.511. Baseline determination and compliance monitoring for pre-existing discharges at remining operations.**

(a) The procedures in this section shall be used for determining site-specific baseline pollutant loadings, and for determining whether discharge loadings during coal remining operations have exceeded the baseline loading. A monthly (single-observation) procedure and an annual procedure shall be applied.

(b) At least one sample result per month shall be obtained for 12 months to characterize pollutant loadings for:

- (1) Baseline determination.
- (2) Each annual monitoring period. It is required that at least one sample be obtained per month for 12 months.
- (c) Calculations described in this subchapter shall be applied to pollutant loadings.
- (d) Each loading value shall be calculated as the product of a flow measurement and pollutant concentration taken on the same date at the same discharge sampling point using standard units of flow and concentration.

(e) If the baseline concentration in a baseline sample is below the daily maximum effluent limits established in § 88.92, § 88.187 or § 88.292 (relating to hydrologic balance: effluent standards), the baseline sample concentration may be replaced with daily maximum effluent limit for the purposes of some of the statistical calculations in this subchapter.

(f) The substituted values should be used for all methods in this subchapter except for:

- (1) The calculation of the interquartile range (R) in Method 1 for the annual trigger (Step 3).
- (2) Method 2 for the single observation trigger (Step 3).

(g) The interquartile range (R) is calculated as the difference between the quartiles  $M_{-1}$  and  $M_1$ ; the values for quartiles  $M_{-1}$  and  $M_1$  should be calculated using actual loadings (based on measured concentrations) when they are used to calculate the interquartile range (R).

**§ 88.512. Procedure for calculating and applying a single-observation (monthly) trigger.**

(a) This section contains two alternative methods for calculating a single-observation trigger. One method must be proposed by the applicant to be approved and applied by the Department for a remining permit.

(b) Method 1 for calculating a single observation trigger (L) is accomplished by completing the following steps:

(1) Count the number of baseline observations taken for the pollutant of interest. Label this number  $n$ . To sufficiently characterize pollutant loadings during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for 12 months.

(2) Order all baseline loading observations from lowest to highest. Let the lowest number (minimum) be  $x_{(1)}$ , the next lowest be  $x_{(2)}$ , and so forth until the highest number (maximum) is  $x_{(n)}$ .

(3) If fewer than 17 baseline observations were obtained, the single observation trigger (L) will equal the maximum of the baseline observations ( $x_{(n)}$ ).

(4) If at least 17 baseline observations were obtained, calculate the median (M) of all baseline observations. If  $n$  is odd, then M equals  $x_{(n/2+1/2)}$ . If  $n$  is even, then M equals  $0.5 * (x_{(n/2)} + x_{(n/2+1)})$ .

(5) Next, calculate  $M_1$  as the median of the subset of observations that range from the calculated M to the maximum  $x_{(n)}$ ; that is, calculate the median of all  $x$  larger than or equal to M.

(6) Next, calculate  $M_2$  as the median of the subset of observations that range from the calculated  $M_1$  to  $x_{(n)}$ ; that is, calculate the median of all  $x$  larger than or equal to  $M_1$ .

(7) Next, calculate  $M_3$  as the median of the subset of observations that range from the calculated  $M_2$  to  $x_{(n)}$ ; that is, calculate the median of all  $x$  larger than or equal to  $M_2$ .

(8) Finally, calculate the single observation trigger (L) as the median of the subset of observations that range from the calculated  $M_3$  to  $x_{(n)}$ .

(9) When subsetting the data for each of the steps in paragraphs (5)–(8), the subset should include all observations greater than or equal to the median calculated in the previous step. If the median calculated in the previous step is not an actual observation, it is not included in the new subset of observations. The new median value will then be calculated using the median procedure, based on whether the number of points in the subset is odd or even.

(c) The method for applying the single observation trigger (L) to determine when the baseline level has been exceeded is as follows:

(1) If two successive monthly monitoring observations both exceed L, immediately begin weekly monitoring for 4 weeks (four weekly samples).

(2) If three or fewer of the weekly observations exceed L, resume monthly monitoring.

(3) If all four weekly observations exceed L, the baseline pollution loading has been exceeded.

(d) Method 2 for calculating a single observation trigger (L) is accomplished by completing the following steps:

(1) Follow Method 1 in subsection (b) to obtain  $M_1$  (the third quartile, that is, the 75th percentile).

(2) Calculate  $M_{-1}$  as the median of the baseline data which are less than or equal to the sample median M.

(3) Calculate interquartile range,  $R = (M_1 - M_{-1})$ .

(4) Calculate the single observation trigger L as  $L = M_1 + 3 * R$ .

(5) If two successive monthly monitoring observations both exceed L, immediately begin weekly monitoring for 4 weeks (four weekly samples).

(6) If three or fewer of the weekly observations exceed L, resume monthly monitoring.

(7) If all four weekly observations exceed L, the baseline pollution loading has been exceeded.

**§ 88.513. Procedure for calculating and applying an annual trigger.**

(a) This section contains two alternative methods for calculating the annual trigger. One method shall be



proposed by the applicant to be approved and applied by the Department for a reminging permit.

(b) Method 1 for calculating and applying an annual trigger (T) is accomplished by completing the following steps:

(1) Calculate M and  $M_1$  of the baseline loading data as described under Method 1 for the single observation trigger in § 88.512(b) (relating to procedure for calculating and applying a single-observation (monthly) trigger).

(2) Calculate  $M_{-1}$  as the median of the baseline data which are less than or equal to the sample median M.

(3) Calculate the interquartile range,  $R = (M_1 - M_{-1})$ .

(4) The annual trigger for baseline ( $T_b$ ) is calculated as  $T_b = M + (1.815 * R) / \text{SQRT}(n)$

where n is the number of baseline loading observations.

(5) To compare baseline loading data to observations from the annual monitoring period, repeat the steps in paragraphs (1)—(3) for the set of monitoring observations. Label the results of the calculations  $M'$  and  $R'$ . Let m be the number of monitoring observations.

(6) The subtle trigger ( $T_m$ ) of the monitoring data is calculated as

$$T_m = M' - (1.815 * R') / \text{SQRT}(m)$$

(7) If  $T_m > T_b$ , the median loading of the monitoring observations has exceeded the baseline loading.

(c) Method 2 for calculating and applying an annual trigger (T) is accomplished by completing the following steps:

(1) Let n be the number of baseline loading observations taken, and let m be the number of monitoring loading observations taken. To sufficiently characterize pollutant loadings during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for a period of 12 months.

(2) Order the combined baseline and monitoring observations from smallest to largest.

(3) Assign a rank to each observation based on the assigned order: the smallest observation will have rank 1, the next smallest will have rank 2 and so forth, up to the highest observation, which will have rank n + m. If two or more observations are tied (have the same value), then the average rank for those observations should be used.

(4) Sum all the assigned ranks of the n baseline observations, and let this sum be  $S_n$ .

(5) Obtain the critical value (C) from Table 1.

(6) Compare C to  $S_n$ . If  $S_n$  is less than C, then the monitoring loadings have exceeded the baseline loadings.

(7) Critical values for the Wilcoxon-Mann-Whitney test are as follows:

(i) When n and m are less than 21, use Table 1. To find the appropriate critical value, match column with correct n (number of baseline observations) to row with correct m (number of monitoring observations).

Table 1—Critical Values (C) of the Wilcoxon-Mann-Whitney Test (for a one-sided test at the 0.001 significance level)

n \ m	10	11	12	13	14	15	16	17	18	19	20
10	66	79	93	109	125	142	160	179	199	220	243
11	68	82	96	112	128	145	164	183	204	225	248
12	70	84	99	115	131	149	168	188	209	231	253
13	73	87	102	118	135	153	172	192	214	236	259
14	75	89	104	121	138	157	176	197	218	241	265
15	77	91	107	124	142	161	180	201	223	246	270
16	79	94	110	127	145	164	185	206	228	251	276
17	81	96	113	130	149	168	189	211	233	257	281
18	83	99	116	134	152	172	193	215	238	262	287
19	85	101	119	137	156	176	197	220	243	268	293
20	88	104	121	140	160	180	202	224	248	273	299

(ii) When n or m is greater than 20 and there are few ties, calculate an approximate critical value using the following formula and round the result to the next larger integer. Let  $N = n + m$ .

$$\text{Critical Value} = 0.5 * n * (N + 1) - 3.0902 * \text{SQRT}(n * M(N + 1) / 12)$$

(iii) When n or m is greater than 20 and there are many ties, calculate an approximate critical value using the following formula and round the result to the next larger integer. Let S be the sum of the squares of the ranks or average ranks of all N observations. Let  $N = n + m$ .

$$\text{Critical Value} = 0.5 * n * (N + 1) - 3.0902 * \text{SQRT}(V)$$

In the preceding formula, calculate V using:

$$V = (n * m * S) / (N * (N - 1) - (n * m * (N + 1)^2 / (4 * (N - 1)))$$

**CHAPTER 90. COAL REFUSE DISPOSAL**

**Subchapter F. COAL REFUSE DISPOSAL ACTIVITIES ON AREAS WITH [ PREEXISTING ] PRE-EXISTING POLLUTIONAL DISCHARGES**

**§ 90.302. Definitions.**

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

**[ Abatement plan—Any individual technique or combination of techniques, the implementation of which will result in reduction of the base line pollution load. Abatement techniques include, but are not limited to: Addition of alkaline material, special plans for managing toxic and acid-forming material, regrading, revegetation and relocating coal refuse to a coal refuse disposal area that**

**includes systems to prevent adverse impacts to surface and groundwater and to prevent precipitation from contacting the coal refuse. ]**

*Actual improvement*—The reduction of the baseline pollution load resulting from the implementation of the approved **pollution** abatement plan; except that any reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement provided that treatment approved by the Department of the coal refuse before, during or after placement in the coal refuse disposal area will not be considered to be water treatment.

*Baseline pollution load*—The characterization of the pollutorial material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter deemed relevant by the Department, including seasonal variations and variations in response to precipitation events. The Department will establish in each authorization the specific parameters it deems relevant for the baseline pollution load, including, at a minimum, iron and acid loadings.

*Best professional judgment*—The highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of all reasonably available and pertinent data. The treatment levels shall be established by the Department under sections 301 and 402 of the Federal **Clean Water [ Pollution Control ] Act** (33 U.S.C.A. §§ 1311 and 1342).

*Best technology*—Measures and practices which will abate or ameliorate, to the maximum extent possible, discharges from or on the pollution abatement area. These measures include engineering, geochemical or other applicable practices.

*Coal refuse disposal activities*—

(i) The storage, dumping or disposal of any waste coal, rock, shale, slurry, culm, gob, boney, slate, clay, underground development wastes, coal processing wastes, excess soil and related materials, associated with or near a coal seam, that are either brought above ground or otherwise removed from a coal mine in the process of mining coal or are separated from coal during the cleaning or preparation operations.

(ii) The term does not include the removal or storage of overburden from surface mining activities.

**Coal remining operation**—A coal mining operation at a site on which coal mining was previously conducted and where the site has been abandoned or the performance bond has been forfeited.

*Encountered discharge*—

(i) A pre-existing discharge intercepted in the course of active surface mining activities, including, but not limited to, overburden removal, coal extraction and backfilling, or that occurs in the pit, any mining-related conveyance, sedimentation pond or treatment pond.

(ii) The term does not include diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area so long as they are designed, operated and maintained in accordance with § 90.104(b)—(g) (relating to hydrologic balance: diversions).

*Excess soil and related material*—

(i) Rock, clay or other material located immediately above or below a coal seam and which are extracted from a coal mine during the process of mining coal.

(ii) The term does not include topsoil or subsoil.

*Pollution abatement area*—

(i) The part of the permit area that is causing or contributing to the baseline pollution load.

(ii) The term includes adjacent and nearby areas that must be affected to bring about significant improvements of the baseline pollution load and may include the immediate locations of the discharges.

**Pollution abatement plan**—Best management practices (BMPs), including, but not limited to, the addition of alkaline material, special handling plans for managing toxic and acid forming material, regrading, revegetation and daylighting, that when implemented will result in reduction of the baseline pollution load.

*Pre-existing discharge*—

(i) Any discharge resulting from mining activities that have been abandoned prior to the time of a remining permit application.

(ii) The term includes a pre-existing discharge that is relocated as a result of the implementation BMPs in the pollution abatement plan.

*Steep slope*—

(i) Any slope, including abandoned mine land features, above 20 degrees or a lesser slope as may be defined by the Department after consideration of soil, climate and other characteristics of a region.

(ii) The term does not apply to situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered and through which the mining operation is to proceed, leaving a plain or predominantly flat area.

**§ 90.303. Applicability.**

\* \* \* \* \*

(b) Notwithstanding subsection (a), authorization will not be granted under this subchapter for repermitting under §§ 86.12 and 86.14 (relating to continued operation under interim permits; and permit application filing deadlines), permit renewals under § 86.55 (relating to permit renewals: general requirements) or permit transfers under § 86.56 (relating to transfer of permit).

(c) This subchapter applies to pre-existing discharges that are located within or are hydrologically connected to pollution abatement areas of a coal remining operation.

(d) When a coal remining operation seeks reissuance of an existing remining permit with best professional judgment limitations and the Department determines that it is not feasible for a remining operator to re-establish baseline pollutant levels in accordance with the statistical procedures in this subchapter, pre-existing discharge limitations at the existing remining operation remain subject to baseline pollutant levels established during the original permit application.

**§ 90.304. Application for authorization.**

(a) An operator who requests authorization under this subchapter shall comply with the permit application requirements of Chapter 86 (relating to surface and underground coal mining: general) and Subchapters A—D, except as specifically modified by this subchapter. The operator shall also:

(1) Delineate on a map the proposed pollution abatement area, including the location of the [ **preexisting** ] **pre-existing** discharges.

(2) Provide a description of the hydrologic balance for the proposed pollution abatement area that includes:

(i) Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events and modeled baseline pollution loads using this monitoring program.

(ii) Monitoring for **flow**, pH, alkalinity, acidity, total iron, total manganese, **total** aluminum, sulfates, total suspended solids and other water quality parameters the Department deems relevant.

(3) Provide a [ **description of the abatement plan that represents best technology and includes the following** ] **pollution abatement plan which must:**

(i) **Describe the pollution abatement area.**

(ii) **Be designed to reduce the pollution load from pre-existing discharges and must identify the selected best management practices (BMPs) to be used.**

(iii) **Describe the design specifications, construction specifications, maintenance schedules, criteria for monitoring and inspection, and expected performance of the BMPs.**

(iv) **Represent best technology and include:**

[ (i) ] (A) Plans, cross-sections and schematic drawings describing the **pollution** abatement plan proposed to be implemented.

[ (ii) ] (B) A description and explanation of the range of abatement level that is anticipated to be achieved, costs and each step in the proposed **pollution** abatement plan.

[ (iii) ] (C) A description of the standard of success for revegetation necessary to ensure success of the **pollution** abatement plan.

(v) **Provide a description of an information on the pre-existing discharges hydrogeologically connected to the remaining area.**

(4) **Determine the baseline pollution load.**

(5) **Provide background data that are the bases for the baseline pollution load. The baseline pollution load shall be reported in pounds per day.**

(b) The operator seeking this authorization [ **shall** ] **may** continue the water quality and quantity monitoring program required by subsection (a)(2) after making the authorization request. The operator [ **shall** ] **may** submit the results of this continuing monitoring program to the Department on a monthly basis until a decision on the authorization request is made.

**§ 90.305. Application approval or denial.**

(a) Authorization may not be granted under this subchapter unless the operator seeking the authorization

affirmatively demonstrates the following to the satisfaction of the Department on the basis of information in the application:

(1) Neither the operator, nor an officer, principal shareholder, agent, partner, associate, parent corporation, subsidiary or affiliate, sister corporation, contractor or subcontractor, or a related party as defined in § 86.1 (relating to definitions) has either of the following:

(i) Legal responsibility or liability as an operator for treating the water pollution discharges from or on the proposed pollution abatement area.

(ii) Statutory responsibility or liability for reclaiming the proposed pollution abatement area.

(2) The proposed **pollution** abatement plan will result in significant reduction of the baseline pollution load and represents best technology.

(3) The land within the proposed pollution abatement area can be reclaimed.

(4) The coal refuse disposal activities on the proposed pollution abatement area will not cause additional surface water pollution or groundwater degradation.

(5) The standard of success for revegetation will be achieved. The standard of success for revegetation for sites previously reclaimed to the standards of this chapter and Chapters 87 and 88 (**relating to surface mining of coal; and anthracite coal**) shall be the standards set forth in § 90.159 (relating to revegetation: standards for successful revegetation). The standard of success for revegetation for sites not previously reclaimed to the standards of this chapter and Chapters 87 and 88 shall be, at a minimum, the following, provided the site is not a bond forfeiture site where the forfeited money paid into the fund is sufficient to reclaim the forfeited site to the applicable standards:

(i) A ground cover of living plants not less than can be supported by the best available topsoil or other suitable material in the reaffected area.

(ii) A ground cover no less than that existing before disturbance of the area by coal refuse disposal activities.

(iii) Adequate vegetation to control erosion. Vegetation may be no less than that necessary to ensure the success of the **pollution** abatement plan.

\* \* \* \* \*

**§ 90.306. Operational requirements.**

[ (a) ] An operator who receives an authorization under this subchapter shall comply with Chapter 86 (relating to surface and underground coal mining: general) and Subchapters A—D except as specifically modified by this subchapter. The operator shall also:

(1) Implement the approved water quality and quantity monitoring program for the pollution abatement area until the requirements of § 90.309 (relating to criteria and schedule for release of bonds on pollution abatement areas) are met. **The monitoring program must conform to the following:**

(i) **Sampling shall be conducted on a monthly basis for the pre-existing discharges and should adequately represent the seasonal range in loading rates as well as the median loading rate from each pre-existing discharge or combination of discharges.**

(ii) **Results shall be submitted on a quarterly basis.**

(iii) **Data must include the flow measurements and loading calculations.**

(2) Implement the approved **pollution** abatement plan.

**[ (3) Notify the Department immediately prior to the completion of each step of the abatement plan.**

**(4) Provide a progress report to the Department within 30 days after the completion of each step of the abatement program that includes a statement signed by the operator, and if required by the Department, a statement signed by the supervising engineer, that all work has been performed in accordance with the terms and conditions of the pollution abatement authorization, the approved maps, plans, profiles and specifications. ]**

**(3) Notify the Department when more frequent sampling is required.**

**(i) Weekly sampling of the pre-existing discharges shall begin if any two consecutive monthly samples of pollution load at any of the monitoring points or hydrologic units exceed one or more of the triggers established by the baseline data.**

**(ii) Weekly sampling requirements shall continue until two consecutive weekly sample analyses indicate that all parameters which triggered weekly sampling have dropped below the trigger established by the baseline data.**

**§ 90.307. Treatment of discharges.**

(a) Except for **[ preexisting ] pre-existing** discharges that are not encountered during coal refuse disposal activities or the implementation of the **pollution** abatement plan, the operator shall comply with § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices). **[ 281279 ]**

(b) **[ The ] Except as provided in § 90.310(d) (relating to effluent limitations), the operator shall treat the [ preexisting ] pre-existing** discharges that are not encountered during coal refuse disposal activities or implementation of the **pollution** abatement plan to comply with the effluent limitations established by best professional judgment. The effluent limitations established by best professional judgment may not be less than the baseline pollution load. If the baseline pollution load, when expressed as a concentration for a specific parameter, satisfies the effluent limitation in § 90.102 for that parameter, the operator shall treat the **[ preexisting ] pre-existing** discharge for that parameter to comply with either effluent limitations established by best professional judgment or the effluent limitations in § 90.102.

(c) For purposes of subsections (a) and (b), the term encountered may not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the **pollution** abatement plan that would otherwise drain into the affected area, as long as the diversions are designed, operated and maintained under § 90.104(b)—(h) (relating to hydrologic balance: diversions).

(d) An operator required to treat **[ preexisting ] pre-existing** discharges will be allowed to discontinue treating the discharges under subsection (b) when the operator affirmatively demonstrates the following to the Department's satisfaction:

(1) The **[ preexisting ] pre-existing** discharges are meeting the effluent limitations established by subsection (b) as shown by groundwater and surface water monitoring conducted by the operator or the Department.

(2) Coal refuse disposal activities under the permit—including the pollution abatement area—are being or were conducted under the requirements of the permit and the authorization, and Chapter 86 (relating to surface and underground mining: general) and this chapter except as specifically modified by this subchapter.

(3) The operator has implemented each step of the **pollution** abatement plan as approved in the authorization.

(4) The operator did not cause or allow additional surface water pollution or groundwater degradation by re-affecting the pollution abatement area.

(e) If after discontinuance of treatment of discharges under subsection (d) the discharges fail to meet the effluent limitations established by subsection (b), the operator shall reinstitute treatment of the discharges under subsection (b). An operator who reinstates treatment under this subsection will be allowed to discontinue treatment if the requirements of subsection (d) are met.

(f) Discontinuance of treatment under subsection (d) may not be deemed or construed to be or to authorize a release of bond under § 90.309 (relating to criteria and schedule for release of bonds on pollution abatement areas).

**(g) If four consecutive weekly determinations of pollution load, as required under § 90.306(3)(i) (relating to operational requirements), exceed one or more triggers, the permittee shall notify the Department and begin treatment within 30 days of the fourth sample in accordance with the treatment limits established in the permit.**

**(h) If the Department determines, through analysis of any data submitted pursuant to the monitoring requirements or any data collected by the Department, that there has been pollution loading degradation at any of the monitoring points or hydrologic units, the Department will notify the permittee accordingly. The permittee shall begin treatment within 30 days in accordance with the treatment limits established in the permit.**

**(i) Any pre-existing pollutional discharge which is an encountered discharge shall be treated to the effluent limitations in the permit until the discharge is no longer encountered.**

**(j) For the purposes of determining applicable effluent limitations, a discharge will continue to be deemed to be an encountered discharge until the surface mining area which has been disturbed and which contributes to the discharge has been back-filled and regraded, and revegetation work has started.**

**§ 90.309. Criteria and schedule for release of bonds on pollution abatement areas.**

\* \* \* \* \*

(b) The Department will release up to an additional 35% of the amount of bond for the authorized pollution abatement area but retain an amount sufficient to cover the cost to the Department of reestablishing vegetation if completed by a third party if the operator demonstrates and the Department finds the following:

(1) The operator has replaced the topsoil or material conserved under § 90.97 (relating to topsoil: removal), completed final grading, planting and established revegetation under the approved reclamation plan and achieved the standards of success for revegetation in § 90.305(a)(5) (relating to application approval or denial).

(2) The operator has not caused or contributed to groundwater or surface water pollution by re-affecting the pollution abatement area.

(3) The operator has achieved the following standards:

(i) Achieved the actual improvement of the baseline pollution load described in the approved **pollution** abatement plan as shown by groundwater and surface water monitoring conducted by the permittee for the time provided in the **pollution** abatement plan after completion of backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard for success in § 90.305(a)(5).

(ii) Achieved the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by groundwater and surface water monitoring conducted by the operator or the Department for one of the following:

(I) For 12 months from the date of initial bond release under subsection (a), if backfilling, final grading, drainage control, placement of impermeable cover, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 90.305(a)(5) have been completed.

(II) If treatment has been initiated at any time after initial bond release under subsection (a) and § 90.307(e) (relating to treatment of discharges), for 12 months from the date of discontinuance of treatment under § 90.307(d), if backfilling, final grading, drainage control, placement of impermeable cover, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 90.305(a)(5) have been completed.

(B) Conducted all the measures provided in the approved **pollution** abatement plan and additional measures specified by the Department in writing at the time of initial bond release under subsection (a) for the area requested for bond release.

\* \* \* \* \*

*(Editor's Note: Sections 90.310—90.313 are new and printed in regular type to enhance readability.)*

**§ 90.310. Effluent limitations.**

(a) *Approval and incorporation into permit.* The pollution abatement plan for the pollution abatement area must be approved by the Department and incorporated into the permit as an effluent limitation.

(b) *Implementation of best management practices.* The best management practices (BMPs) in the pollution abatement plan shall be implemented as specified in the plan.

(c) *Pre-existing discharges.*

(1) Except as provided in subsection (d), the following effluent limits apply to pre-existing discharges:

<i>Parameter</i>	<i>Effluent Limit</i>
Total Iron	May not exceed baseline loadings (as determined by this subchapter).

<i>Parameter</i>	<i>Effluent Limit</i>
Total Manganese	May not exceed baseline loadings (as determined by this subchapter).
Acidity, Net	May not exceed baseline loadings (as determined by this subchapter).
Suspended Solids	During remining and reclamation, may not exceed baseline loadings (as determined by this subchapter). Prior to bond release, the pre-existing discharge must meet the applicable standards for suspended solids or settleable solids in § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices).

(2) A pre-existing discharge is exempt from meeting standards in § 90.102 for suspended solids and settleable solids when the Department determines that the standards are infeasible or impractical based on the site-specific conditions of soil, climate, topography, steep slopes or other baseline conditions provided that the operator demonstrates that significant reductions of suspended solids and settleable solids will be achieved through the incorporation of sediment control BMPs into the pollution abatement plan as required under subsection (a).

(d) *In-stream requirements.*

(1) If the Department determines that it is infeasible to collect samples for establishing the baseline pollutant levels under this subsection, and that remining will result in significant improvement that would not otherwise occur, the permit applicant may establish an in-stream baseline concentration at a suitable point downstream from the remining operation and the numeric effluent limitations in subsection (c)(1) do not apply.

(2) The in-stream baseline period must include, at a minimum, twice monthly monitoring for a minimum of a 1-year period and must adequately represent the seasonal range and median pollutant concentrations.

(3) Upon issuance of a surface mining permit, the operator shall continue, at a minimum, monthly monitoring of pollutant concentrations at the in-stream monitoring point referenced in paragraph (1), and make a determination as to whether or not there has been degradation of in-stream water quality.

(i) This determination shall be made on a quarterly basis and for each year defined as each consecutive 12-month period.

(ii) The operator is not required to treat individual pre-existing sources of pollution except as may be needed to maintain the in-stream baseline concentration.

(iii) Unless the operator can demonstrate to the satisfaction of the Department that the degradation was the result of factors that are not related to the remining, the operator shall treat one or more pre-existing pollutional discharges or undertake other pollution abatement measures to restore or improve the in-stream pollutant concentration to its baseline conditions.

(4) Pre-existing discharges for which it is infeasible to collect samples for determination of baseline pollutant levels include, but are not limited to:

(i) Discharges that exist as a diffuse groundwater flow that cannot be assessed by the collection of samples.

(ii) A base flow to a receiving stream that cannot be monitored separate from the receiving stream.

(iii) A discharge on a steep or hazardous slope that is inaccessible for sample collection.

(iv) A number of pre-existing discharges so extensive that monitoring of individual discharges is infeasible.

(5) When in-stream monitoring is not indicative of the impact of remining, the in-stream monitoring requirement may be waived by the Department. In-stream monitoring is not indicative of the impact of remining in circumstances including, but not limited to, the following:

(i) Remining sites in drainage areas exceeding 10 square miles.

(ii) Remining sites in watersheds where there are other influences on the in-stream water quality that make it impossible to establish the cause of water quality changes.

(iii) Remining sites where the  $Q_{7-10}$  stream flow is zero.

(e) *Limits.* Pollutants for which there are no effluent limitations established in § 90.102 may be eligible for limits established under this subchapter.

(f) *Applicability of standards.* Section 90.102 applies to a pre-existing discharge that is:

(1) Intercepted by surface mining activities.

(2) Commingled with waste streams from operational areas for the purposes of water treatment.

(g) *Cessation of applicability of standards.* Section 90.102 does not apply to a pre-existing discharge described in subsection (f) when the pre-existing discharge is no longer intercepted by surface mining activities or is no longer commingled with waste streams from operational areas for the purposes of water treatment.

(h) *Bond release.* The effluent limitations in this subchapter apply to pre-existing discharges until bond release under the procedures in Chapter 86 (relating to surface and underground coal mining: general).

**§ 90.311. Baseline determination and compliance monitoring for pre-existing discharges at remining operations.**

(a) The procedures in this section shall be used for determining site-specific baseline pollutant loadings, and for determining whether discharge loadings during coal remining operations have exceeded the baseline loading. A monthly (single-observation) procedure and an annual procedure shall be applied.

(b) At least one sample result per month shall be obtained for 12 months to characterize pollutant loadings for:

(1) Baseline determination.

(2) Each annual monitoring period. It is required that at least one sample be obtained per month for 12 months.

(c) Calculations described in this subchapter shall be applied to pollutant loadings.

(d) Each loading value shall be calculated as the product of a flow measurement and pollutant concentration taken on the same date at the same discharge sampling point using standard units of flow and concentration.

(e) If the baseline concentration in a baseline sample is below the daily maximum effluent limits established in § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices), the baseline sample concentration may be replaced with daily maximum effluent limit for the purposes of some of the statistical calculations in this subchapter.

(f) The substituted values should be used for all methods in this subchapter except for:

(1) The calculation of the interquartile range (R) in Method 1 for the annual trigger (Step 3).

(2) Method 2 for the single observation trigger (Step 3).

(g) The interquartile range (R) is calculated as the difference between the quartiles  $M_{-1}$  and  $M_1$ ; the values for quartiles  $M_{-1}$  and  $M_1$  should be calculated using actual loadings (based on measured concentrations) when they are used to calculate the interquartile range (R).

**§ 90.312. Procedure for calculating and applying a single-observation (monthly) trigger.**

(a) This section contains two alternative methods for calculating a single-observation trigger. One method must be proposed by the applicant to be approved and applied by the Department for a remining permit.

(b) Method 1 for calculating a single observation trigger (L) is accomplished by completing the following steps:

(1) Count the number of baseline observations taken for the pollutant of interest. Label this number  $n$ . To sufficiently characterize pollutant loadings during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for 12 months.

(2) Order all baseline loading observations from lowest to highest. Let the lowest number (minimum) be  $x_{(1)}$ , the next lowest be  $x_{(2)}$ , and so forth until the highest number (maximum) is  $x_{(n)}$ .

(3) If fewer than 17 baseline observations were obtained, the single observation trigger (L) will equal the maximum of the baseline observations ( $x_{(n)}$ ).

(4) If at least 17 baseline observations were obtained, calculate the median (M) of all baseline observations. If  $n$  is odd, then M equals  $x_{(n/2+1/2)}$ . If  $n$  is even, then M equals  $0.5^*(x_{(n/2)} + x_{(n/2+1)})$ .

(5) Next, calculate  $M_1$  as the median of the subset of observations that range from the calculated M to the maximum  $x_{(n)}$ ; that is, calculate the median of all  $x$  larger than or equal to M.

(6) Next, calculate  $M_2$  as the median of the subset of observations that range from the calculated  $M_1$  to  $x_{(n)}$ ; that is, calculate the median of all  $x$  larger than or equal to  $M_1$ .

(7) Next, calculate  $M_3$  as the median of the subset of observations that range from the calculated  $M_2$  to  $x_{(n)}$ ; that is, calculate the median of all  $x$  larger than or equal to  $M_2$ .

(8) Finally, calculate the single observation trigger (L) as the median of the subset of observations that range from the calculated  $M_3$  to  $x_{(n)}$ .

(9) When subsetting the data for each of the steps in paragraphs (5)—(8), the subset should include all observations greater than or equal to the median calculated in the previous step. If the median calculated in the previous step is not an actual observation, it is not included in

the new subset of observations. The new median value will then be calculated using the median procedure, based on whether the number of points in the subset is odd or even.

(c) The method for applying the single observation trigger (L) to determine when the baseline level has been exceeded is as follows:

(1) If two successive monthly monitoring observations both exceed L, immediately begin weekly monitoring for 4 weeks (four weekly samples).

(2) If three or fewer of the weekly observations exceed L, resume monthly monitoring.

(3) If all four weekly observations exceed L, the baseline pollution loading has been exceeded.

(d) Method 2 for calculating a single observation trigger (L) is accomplished by completing the following steps:

(1) Follow Method 1 in subsection (b) to obtain  $M_1$  (the third quartile, that is, the 75th percentile).

(2) Calculate  $M_{-1}$  as the median of the baseline data which are less than or equal to the sample median M.

(3) Calculate interquartile range,  $R = (M_1 - M_{-1})$ .

(4) Calculate the single observation trigger L as  $L = M_1 + 3 * R$ .

(5) If two successive monthly monitoring observations both exceed L, immediately begin weekly monitoring for 4 weeks (four weekly samples).

(6) If three or fewer of the weekly observations exceed L, resume monthly monitoring.

(7) If all four weekly observations exceed L, the baseline pollution loading has been exceeded.

**§ 90.313. Procedure for calculating and applying an annual trigger.**

(a) This section contains two alternative methods for calculating the annual trigger. One method shall be proposed by the applicant to be approved and applied by the Department for a reming permit.

(b) Method 1 for calculating and applying an annual trigger (T) is accomplished by completing the following steps:

(1) Calculate M and  $M_1$  of the baseline loading data as described under Method 1 for the single observation trigger in § 90.312(b) (relating to procedure for calculating and applying a single-observation (monthly) trigger).

(2) Calculate  $M_{-1}$  as the median of the baseline data which are less than or equal to the sample median M.

(3) Calculate the interquartile range,  $R = (M_1 - M_{-1})$ .

(4) The annual trigger for baseline (Tb) is calculated as  $Tb = M + (1.815 * R) / \text{SQRT}(n)$

where n is the number of baseline loading observations.

(5) To compare baseline loading data to observations from the annual monitoring period, repeat the steps in paragraphs (1)—(3) for the set of monitoring observations. Label the results of the calculations M' and R'. Let m be the number of monitoring observations.

(6) The subtle trigger (Tm) of the monitoring data is calculated as

$$Tm = M' - (1.815 * R') / \text{SQRT}(m)$$

(7) If  $Tm > Tb$ , the median loading of the monitoring observations has exceeded the baseline loading.

(c) Method 2 for calculating and applying an annual trigger (T) is accomplished by completing the following steps:

(1) Let n be the number of baseline loading observations taken, and let m be the number of monitoring loading observations taken. To sufficiently characterize pollutant loadings during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for a period of 12 months.

(2) Order the combined baseline and monitoring observations from smallest to largest.

(3) Assign a rank to each observation based on the assigned order: the smallest observation will have rank 1, the next smallest will have rank 2 and so forth, up to the highest observation, which will have rank n + m. If two or more observations are tied (have the same value), then the average rank for those observations should be used.

(4) Sum all the assigned ranks of the n baseline observations, and let this sum be  $S_n$ .

(5) Obtain the critical value (C) from Table 1.

(6) Compare C to  $S_n$ . If  $S_n$  is less than C, then the monitoring loadings have exceeded the baseline loadings.

(7) Critical values for the Wilcoxon-Mann-Whitney test are as follows:

(i) When n and m are less than 21, use Table 1. To find the appropriate critical value, match column with correct n (number of baseline observations) to row with correct m (number of monitoring observations).

Table 1—Critical Values (C) of the Wilcoxon-Mann-Whitney Test (for a one-sided test at the 0.001 significance level)

n \ m	10	11	12	13	14	15	16	17	18	19	20
10	66	79	93	109	125	142	160	179	199	220	243
11	68	82	96	112	128	145	164	183	204	225	248
12	70	84	99	115	131	149	168	188	209	231	253
13	73	87	102	118	135	153	172	192	214	236	259
14	75	89	104	121	138	157	176	197	218	241	265
15	77	91	107	124	142	161	180	201	223	246	270
16	79	94	110	127	145	164	185	206	228	251	276
17	81	96	113	130	149	168	189	211	233	257	281
18	83	99	116	134	152	172	193	215	238	262	287
19	85	101	119	137	156	176	197	220	243	268	293
20	88	104	121	140	160	180	202	224	248	273	299

(ii) When n or m is greater than 20 and there are few ties, calculate an approximate critical value using the following formula and round the result to the next larger integer. Let  $N = n + m$ .

$$\text{Critical Value} = 0.5 * n * (N + 1) - 3.0902 * \text{SQRT}(n * M * (N + 1) / 12)$$

(iii) When n or m is greater than 20 and there are many ties, calculate an approximate critical value using the following formula and round the result to the next larger integer. Let S be the sum of the squares of the ranks or average ranks of all N observations. Let  $N = n + m$ .

$$\text{Critical Value} = 0.5 * n * (N + 1) - 3.0902 * \text{SQRT}(V)$$

In the preceding formula, calculate V using:

$$V = (n * m * S) / (N * (N - 1) - (n * m * (N + 1)^2 / (4 * (N - 1)))$$

[Pa.B. Doc. No. 15-1758. Filed for public inspection October 2, 2015, 9:00 a.m.]

[ 25 PA. CODE CH. 109 ]

**Safe Drinking Water; Revised Total Coliform Rule**

The Environmental Quality Board (Board) proposes to amend Chapter 109 (relating to safe drinking water) to read as set forth in Annex A. The proposed amendments will supplement the Total Coliform Rule by requiring public water systems (PWS) that are vulnerable to microbial contamination to perform assessments to identify sanitary defects and subsequently take action to correct them.

The proposed amendments will protect public health through a multibarrier approach designed to guard against microbial contamination by evaluating the effectiveness of treatment and the integrity of drinking water distribution systems, and by finding and fixing sanitary defects.

Safe drinking water is vital to maintaining healthy and sustainable communities. Proactively avoiding incidents such as waterborne disease outbreaks can prevent loss of life, reduce the incidents of illness and reduce health care costs. Proper investment in PWS infrastructure and operations helps ensure a continuous supply of safe drinking water, enables communities to plan and build future capacity for economic growth, and ensures their long-term sustainability for years to come.

One or more of the proposed amendments will apply to all PWSs.

This proposed rulemaking was included in a two-part proposal which was submitted to the Board for consideration at its meeting on April 21, 2015. One part contained regulations necessary to assume primacy with respect to the Federal Revised Total Coliform Rule (RTCR) and the other part of the proposal included amendments to various other portions of Chapter 109. In response to a motion made at that meeting, the Board voted to approve the portion of the proposed rulemaking regarding the RTCR but to split the other proposed amendments into a separate rulemaking to provide an opportunity for further consideration by the Technical Assistance Center for Small Drinking Water Systems (TAC) and other interested parties. The other amendments will be resubmitted to the Board at a future date. This proposed rulemaking reflects the RTCR portion of the proposal approved by the Board at its April 21, 2015, meeting.

*A. Effective Date*

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

*B. Contact Persons*

For further information, contact Lisa D. Daniels, Director, Bureau of Safe Drinking Water, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-9633; or William Cumings, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section I of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

*C. Statutory Authority*

The proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

*D. Background and Purpose*

In February 2013, the United States Environmental Protection Agency (EPA) adopted regulations amending 40 CFR Part 141 (relating to National primary drinking water regulations) to implement an RTCR. See 78 FR 10269 (February 13, 2013). Minor corrections to the RTCR were published at 79 FR 10665 (February 26, 2014). The compliance date for the RTCR is April 1, 2016. To maintain primacy with respect to the RTCR, it is imperative that the Board adopt regulations which are at least as stringent as those in the Federal regulations.

According to the preamble to the Federal RTCR, the rule aims to increase public health protection through the reduction of sanitary defects that could provide potential pathways of entry for fecal contamination into the distribution system or could indicate a failure or imminent failure of a barrier that is already in place. See 78 FR 10269, 10276. EPA guidance states that microbial contamination in the distribution system occurs when there is a source of contamination, a pathway for microbial pathogens to enter the distribution system and conditions that allow proliferation of the microorganisms, including the lack of a disinfectant residual or poor operation and maintenance practices. See *Revised Total Coliform Rule Assessments & Corrective Actions Guidance Manual*, EPA 815-R-14-006, September 2014. Since fecal contamination may contain waterborne pathogens including bacteria, viruses and parasitic protozoa, a decrease in fecal contamination should reduce the risk from these contaminants.

In addition, the Federal rule aims for greater public health protection than the 1989 Total Coliform Rule (TCR) in a cost-effective manner by: maintaining the objectives of the 1989 TCR (that is, to evaluate the effectiveness of treatment, to determine the integrity of the distribution system and to signal the possible presence of fecal contamination); using the optimal indicator for the intended objectives (that is, using total coliforms as an indicator of system operation and condition rather



than an immediate public health concern and using *E. coli* as a fecal indicator); and requiring systems that may be vulnerable to contamination, as indicated by the nature of their operation, to have in place procedures that will minimize the incidence of contamination (for example, requiring start-up procedures for seasonal systems). The EPA, therefore, anticipates greater public health protection under the RTCR compared to the 1989 TCR because of the RTCR's more preventive approach to identifying and fixing problems that affect or may affect public health. See 78 FR 10269, 10272, 10273.

This proposed rulemaking was presented to the TAC on June 18, 2014. The TAC met again on September 23, 2014, to review and revise their comments. The TAC made several recommendations, some of which were incorporated into this proposed rulemaking. Other recommendations were incorporated into this preamble as a means to solicit further public comment. Refer to Section E for more information about the TAC's recommendations. As a result of the Board meeting on April 21, 2015, and the subsequent modification of the April 21, 2015, proposed rulemaking, the TAC's comments regarding the amendments not related to the RTCR do not apply to this proposed rulemaking and will be addressed in a separate rulemaking.

#### E. Summary of Regulatory Requirements

##### § 109.1. Definitions

Section 109.1 (relating to definitions) is proposed to be amended to add the following EPA definitions: "Level 1 assessment," "Level 2 assessment," "sanitary defect" and "seasonal system." The proposed amendments reflect the new definitions of the Federal RTCR in 40 CFR 141.2 (relating to definitions).

##### § 109.202. State MCLs, MRDLs and treatment technique requirements

Section 109.202(c)(4) (relating to State MCLs, MRDLs and treatment technique requirements) is proposed to be added to define the triggers which require a system to conduct a Level 1 or Level 2 assessment and to specify that failure to conduct an assessment or complete a corrective action is a treatment technique violation. This proposed paragraph reflects 40 CFR 141.859 and 141.860(b)(1) (relating to coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination; and violations). The TAC recommended that this proposed rulemaking include examples of situations when the Department would require a water system to conduct an assessment. A revision to § 109.202(c)(4)(iii) clarifies that the Department may direct a system to conduct an assessment if circumstances exist which may adversely affect drinking water system quality, including situations specified in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping).

Section 109.202(c)(5) is proposed to be added to specify that failure by a seasonal water system to complete an approved start-up procedure prior to serving water to the public is a treatment technique violation. This proposed addition reflects 40 CFR 141.860(b)(2).

##### § 109.301. General monitoring requirements

Section 109.301(3) (relating to general monitoring requirements) is proposed to be amended to change "fecal coliform" to "*E. coli*" to be consistent with the Federal MCL specified under 40 CFR 141.63(c) (relating to maximum contaminant levels (MCLs) for microbiological contaminants).

Section 109.301(3)(i) is proposed to be amended to require all PWS to monitor on a monthly frequency. This proposed amendment reflects 40 CFR 141.854, 141.855, 141.856 and 141.857.

Monitoring frequency language in § 109.301(3)(i)(B) is proposed to be deleted due to the new monthly monitoring requirement. Clause (C) is proposed to be renumbered as clause (B) regarding coliform monitoring for unfiltered surface water systems. This clause is proposed to be amended to include *E. coli* Maximum Contaminant Level (MCL) and assessment language to clarify how compliance is determined for the RTCR. This proposed amendment reflects 40 CFR 141.63(c) and 141.859(a).

Proposed § 109.301(3)(i)(C) requires seasonal systems to collect coliform samples prior to serving water to the public each season. This requirement is proposed to be added to ensure that water is safe for public consumption prior to a seasonal system serving water each year. This addition reflects 40 CFR 141.854(i)(1) (relating to routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water).

Proposed § 109.301(3)(i)(D) clarifies that a water system may only collect more than the required minimum amount of samples to be used for compliance during a monitoring period if those samples are included in the sample siting plan. In addition, these extra samples must be included in determining whether a Level 1 or Level 2 assessment has been triggered. These proposed additions reflect 40 CFR 141.853(a)(4) (relating to general monitoring requirements for all public water systems).

Proposed § 109.301(3)(i)(E) clarifies that the Department may require community water systems with a population under 1,000 and noncommunity water systems to monitor on an alternate schedule. The Department would make this determination following a special monitoring evaluation. This proposed addition reflects 40 CFR 141.854(c)(2).

Section 109.301(3)(ii) is proposed to be amended to clarify when a public water supplier must conduct repeat monitoring by specifying each type of total coliform positive sample that would require repeat monitoring. This amendment reflects 40 CFR 141.858 (relating to repeat monitoring and *E. coli* requirements). This subparagraph is also proposed to be amended to change "certified" to "accredited" in reference to the type of laboratory acceptable to the Department. This proposed amendment reflects the revised terminology in Chapter 252 (relating to environmental laboratory accreditation).

Minor amendments are proposed to § 109.301(3)(ii)(A) to clarify repeat monitoring requirements for PWSs.

Section 109.301(3)(ii)(B), which requires systems collecting only one routine coliform sample per monitoring period to collect four check samples, is proposed to be deleted. This deletion reflects 40 CFR 141.858(a)(1) which requires all PWSs to collect a minimum of three check samples instead of four. The TAC recommended the Department allow alternate check sample locations. The Board is specifically requesting public comment on the TAC's recommendation as noted in Section I of this preamble. The Federal rule gives states an option to allow alternative sampling locations for repeat monitoring in lieu of the requirement to collect at least one repeat sample within five taps upstream or downstream of the original site. Under this provision, if alternative locations are allowed, a PWS may propose repeat monitoring locations to the state that the PWS believes to represent a pathway for contamination to the distribution system.

The Board is interested in comments regarding the following:

- Why alternative repeat monitoring locations should be allowed.
- How a PWS would demonstrate that an alternative repeat monitoring location represents the pathway for contamination that led to the original coliform-positive sample in the distribution system.
- Whether only fixed alternative repeat monitoring locations should be allowed or if a standard operating procedure for choosing locations may also be allowed and why.
- Whether alternative repeat monitoring locations must be submitted under the signature of a certified operator.
- Whether alternative repeat monitoring locations must be submitted under the seal of a professional engineer.
- Whether alternative locations should only be allowed for systems serving greater than 9,999 people.

Section 109.301(3)(ii)(C) is proposed to be renumbered as § 109.301(3)(ii)(B).

Section 109.301(3)(ii)(D) is proposed to be renumbered as § 109.301(3)(ii)(C). Proposed amendments require all check samples to be collected consecutively within a 3-day period for systems that only have one service connection. This proposed amendment reflects 40 CFR 141.858(a)(2).

Section 109.301(3)(ii)(E) is proposed to be renumbered as § 109.301(3)(ii)(D). Proposed amendments clarify repeat monitoring requirements following a positive check sample. The clause is also proposed to be amended to clarify reporting requirements to the Department for when a system determines it has triggered an assessment. These proposed amendments reflect 40 CFR 141.858(a)(3).

Section 109.301(3)(ii)(F) is proposed to be deleted to remove the requirement for a PWS which collects fewer than five routine coliform samples per month and has one or more valid total coliform positive samples to collect five routine samples the following month. This deletion reflects 40 CFR 141.854(j) and 40 CFR 141.855(f) (relating to routine monitoring requirements for community water systems serving 1,000 or fewer people using only groundwater) that apply to PWS sampling at a frequency less than monthly. Since proposed requirements in § 109.301(3)(i) specify all PWS must monitor on a monthly frequency, this provision will no longer apply.

Section 109.301(3)(ii)(G) is proposed to be renumbered as § 109.301(3)(ii)(E) and amended to require that all routine and check samples must be included in determining compliance with the *E. coli* MCL and whether a Level 1 or Level 2 assessment has been triggered. These proposed additions reflect 40 CFR 141.859(a).

Section 109.301(3)(iii)(A)(III) is proposed to be amended to include *E. coli* MCL and assessment language to clarify how compliance is determined for the RTCR. This proposed amendment reflects 40 CFR 141.63(c) and 141.859(a). This subclause is also proposed to be amended to include a requirement for the Department to document in writing any decision to invalidate a total coliform-positive sample. This proposed amendment reflects 40 CFR 141.853(c)(1)(iii).

Proposed 109.301(3)(iii)(B)(III) specifies an additional circumstance that would require a laboratory to invali-

date a total coliform sample. This proposed amendment reflects 40 CFR 141.853(c)(2).

Section 109.301(3)(iii)(C) is proposed to be amended to change “certified” to “accredited” in reference to the type of laboratory acceptable to the Department. This proposed amendment reflects the revised terminology in Chapter 252.

Section 109.301(3)(iv)(A) is proposed to be amended to clarify that subclauses (I)—(IV) list conditions which would cause a water system to be out of compliance with the MCL for *E. coli*.

Section 109.301(3)(iv)(C) is proposed to be amended to replace total coliforms with *E. coli* and renumbered as clause (B). Clause (B) is proposed to be deleted.

Section 109.301(3)(v) is proposed to be amended to clarify under what situations a sample would be considered special purpose. This subparagraph is also proposed to be amended to clarify that special purpose samples may not be used to determine the MCL for *E. coli* or whether an assessment has been triggered. This proposed amendment reflects 40 CFR 141.853(b).

#### § 109.303. Sampling requirements

Section 109.303(a)(2) (relating to sampling requirements) is proposed to be amended to include the *E. coli* MCL and assessment language to clarify how compliance is determined for the RTCR. This amendment reflects 40 CFR 141.63(c) and 141.859(a). In addition, “an approved” is proposed to be deleted to clarify that the Department is not required to approve sample siting plans. This proposed amendment reflects 40 CFR 142.16(q)(2)(i) (relating to special primacy requirements).

Proposed § 109.303(a)(2)(i)—(vi) clarifies what types of monitoring locations are considered to be representative of water throughout the distribution system. The proposed subparagraphs include existing language that was moved from § 109.701(a)(5) and additional examples of representative locations.

#### § 109.408. Tier 1 public notice—categories, timing and delivery of notice

Section 109.408(a)(1) (relating to Tier 1 public notice—categories, timing and delivery of notice) is proposed to be amended to clarify that an exceedance of the *E. coli* MCL is a situation that requires a Tier 1 public notice to be provided. This proposed amendment reflects 40 CFR 141.202(a) (relating to Tier 1 public notice—form, manner, and frequency of notice).

#### § 109.409. Tier 2 public notice—categories, timing and delivery of notice

Section 109.409(a)(1) (relating to Tier 2 public notice—categories, timing and delivery of notice) is proposed to be amended to include Chapter 109, Subchapter C (relating to monitoring requirements) in the list of subchapters which contain situations requiring a Tier 2 public notice to be provided.

Proposed § 109.409(a)(3) requires a Tier 2 public notice for any failure to report an *E. coli* MCL violation or *E. coli*-positive routine or check sample. Since *E. coli* is an acute contaminant, failure to report an *E. coli* MCL

violation or positive sample is a greater threat to public health than other reporting violations.

Section 109.409(a)(3) and (4) is proposed to be renumbered as § 109.409(a)(4) and (5) due to proposed § 109.409(a)(3).

Section 109.409(b)(3) is proposed to be amended to delete a reference to a violation which no longer exists. This proposed amendment reflects 40 CFR 141.203 (relating to Tier 2 public notice—form, manner, and frequency of notice).

§ 109.701. *Reporting and recordkeeping*

Section 109.701(a)(3)(iv) is proposed to be added to clarify that an *E. coli*-positive sample result requires a public water supplier to report to the Department within 1 hour. The TAC recommended that notification occur by the end of the day. The TAC's recommended change was not made, as 1-hour reporting is consistent with existing regulations.

Section 109.701(a)(5) is proposed to be amended to clarify that repeat coliform monitoring locations must be included in a sample siting plan. This amendment reflects 40 CFR 141.853(a)(1). This paragraph is also proposed to be amended to require water systems currently operating to submit a sample siting plan to the Department by the effective date of adoption of this proposed rulemaking and for water systems which begin operation after the effective date of adoption of this proposed rulemaking to submit a sample siting plan to the Department prior to serving water to the public. This requirement is proposed to be added to allow the Department to meet the special primacy requirement in 40 CFR 142.16(q)(2)(i). The TAC noted that PWS would be negatively impacted by being able to use a routine sample location only once per month. Annex A was revised to reflect the TAC comment.

Language in § 109.701(a)(5)(i)(A) is proposed to be deleted and moved to § 109.303(a)(2), which explains the types of monitoring locations that are considered to be representative of water throughout the distribution system. The cross-reference to § 109.303(a)(2) is proposed to be added to help clarify what types of sample site locations should be included in the sample siting plan. The TAC recommended not deleting "available" from the existing language. The TAC's recommended change was not made, as this amendment reflects 40 CFR 141.853(a)(5).

Section 109.701(a)(5)(i)(C) is proposed to be amended to clarify that a sample collection schedule should be included in the sample siting plan. This proposed amendment reflects 40 CFR 141.853(a)(1).

Section 109.701(a)(5)(i)(D) is proposed to be added to clarify that repeat coliform monitoring locations must be included in sample siting plans. This amendment reflects 40 CFR 141.853(a)(1). The TAC noted that identifying specific addresses for check samples is unworkable for some water systems. However, this proposed amendment reflects 40 CFR 141.853(a)(1).

Section 109.701(a)(5)(i)(E) is proposed to be added to clarify that triggered source water monitoring locations must be added to confirm systems are collecting samples at the correct location. This proposed amendment reflects 40 CFR 141.853(a)(1).

Proposed § 109.701(a)(5)(i)(F) is proposed to be moved from existing § 109.701(a)(5)(ii)(A) to clarify that the population served by the system should be included in the sample siting plan.

Proposed § 109.701(a)(5)(i)(G) is proposed to be moved from existing § 109.701(a)(5)(ii)(B) to clarify that a description of the accessibility of sample sites should be included in the sample siting plan.

Proposed § 109.701(a)(5)(i)(H) is proposed to be added to clarify that seasonal systems must include the beginning and ending dates of each operating season in the sample siting plan.

Section 109.701(a)(5)(ii) is proposed to be moved to § 109.303(a)(2) and § 109.701(a)(5)(i).

Section 109.701(a)(5)(iii) and (iv) is proposed to be renumbered as § 109.701(a)(5)(ii) and (iii).

Proposed § 109.701(a)(9) clarifies reporting requirements for Level 1 and Level 2 assessments. Proposed § 109.701(a)(9)(i) has a time frame consistent with the Noncompliance Report requirements in § 109.701(a)(9). Proposed subparagraphs (ii) and (iii) reflect 40 CFR 141.859.

Section 109.701(a)(9) is proposed to be renumbered as § 109.701(a)(10).

Proposed § 109.701(d)(9) requires public water suppliers to maintain a copy of assessment forms and corrective action documentation for at least 5 years after completion of the assessment or corrective action. This proposed addition reflects 40 CFR 141.861(b)(1) (relating to reporting and recordkeeping).

§ 109.702. *Operation and maintenance plan*

Section 109.702(a)(9) (relating to operation and maintenance plan) is proposed to be amended to be consistent with proposed term amendments to § 109.705 (relating to system evaluations and assessments).

§ 109.705. *System evaluations and assessments*

The heading of § 109.705 is proposed to be amended from "sanitary surveys" to "system evaluations and assessments" to avoid confusion with the sanitary surveys conducted by Department personnel.

Section 109.705(b) is proposed to be deleted and replaced with new language to clarify a PWS's requirement to conduct Level 1 and Level 2 assessments. This subsection also requires a PWS to comply with actions required by the Department in the case of an *E. coli* MCL violation or other violations that require 1-hour reporting to the Department. These proposed amendments reflect 40 CFR 141.859(b)(4).

Section 109.705(b)(1) is proposed to be deleted and replaced with language regarding the minimum elements required for Level 1 and Level 2 assessments. The elements are identified in proposed § 109.705(b)(1)(i)—(v). These proposed amendments reflect 40 CFR 141.859(b)(2).

Section 109.705(b)(2) is proposed to be replaced with language requiring a PWS to complete a Level 1 or a Level 2 assessment and submit it to the Department within 30 days of triggering the assessment. This proposed amendment reflects 40 CFR 141.859(b)(3)(i). The Board would like to receive comments regarding interest in submitting these forms electronically.

Proposed § 109.705(b)(3) clarifies who is required to conduct a Level 1 assessment. This proposed paragraph is consistent with § 109.704(b) (relating to operator certification) to ensure competent personnel are used to conduct the assessment.

Section 109.705(b)(4) is proposed to be added to clarify who is required to conduct a Level 2 assessment. This proposed addition reflects 40 CFR 141.859(b)(1) and (4)(ii).

Section 109.705(b)(5) is proposed to be added to clarify that the Department may conduct a Level 1 or Level 2 assessment in addition to the assessment conducted by the water system. This proposed addition reflects 40 CFR 141.859(b).

Section 109.705(b)(6) is proposed to be added to clarify that a PWS must describe sanitary defects identified, corrective actions completed and a proposed timetable for corrective actions not completed in each assessment report. This paragraph also specifies that an assessment report may note that no sanitary defects were identified. This proposed addition reflects 40 CFR 141.859(b)(3)(i) and (4)(i).

Section 109.705(b)(7) is proposed to be added to clarify that a PWS must consult with the Department within 14 days of receiving written notification of an insufficient assessment and submit a revised assessment within 30 days. The 14-day requirement is proposed to ensure that a PWS completes a sufficient assessment in a timely manner and the 30-day time frame reflects 40 CFR 141.859(b)(3)(ii) and (4)(iii).

Section 109.705(b)(8) is proposed to be added to clarify corrective action requirements for sanitary defects found through a Level 1 or Level 2 assessment. This proposed addition reflects 40 CFR 141.859(c).

Section 109.705(b)(9) is proposed to be added to provide that the PWS or Department may request consultation with the other party at any time during the assessment process. This proposed addition reflects 40 CFR 141.859(d).

Section 109.705(c) is proposed to be deleted because there are no longer additional requirements for noncommunity water systems that do not collect five or more routine coliform samples per month. Section 109.705(d) and (e) is proposed to be renumbered as § 109.705(c) and (d).

#### § 109.715. *Seasonal systems*

Proposed § 109.715 (relating to seasonal systems) clarifies start-up procedure requirements for seasonal systems which are defined in § 109.1. This proposed section reflects 40 CFR 141.854(i)(1) and 141.861(a)(5) and 40 CFR 141.856(a)(4)(i) and 141.857(a)(4)(i) (relating to routine monitoring requirements for subpart H public water systems serving 1,000 or fewer people; and routine monitoring requirements for public water systems serving more than 1,000 people).

Proposed § 109.715(a)—(d) requires seasonal systems to submit a start-up procedure to the Department for approval. These proposed subsections reflect 40 CFR 141.854(i)(1), 141.856(a)(4)(i) and 141.857(a)(4)(i).

Proposed § 109.715(e) requires seasonal systems to demonstrate completion of a Department-approved start-up procedure by submitting a written certification prior to serving water to the public each season. This proposed subsection reflects 40 CFR 141.861(5).

#### § 109.810. *Reporting and notification requirements*

Section 109.810(b) (relating to reporting and notification requirements) is proposed to be amended to clarify laboratory reporting and notification requirements.

Section 109.810(b)(1)(ii) is proposed to be amended to change “certified” to “accredited” in reference to the type

of laboratory acceptable to the Department. This proposed amendment reflects the revised terminology in Chapter 252.

#### § 109.901. *Requirements for a variance*

Section 109.901(b) (relating to requirements for a variance) is proposed to be amended to change “total coliform” to “*E. coli*” to be consistent with the Federal *E. coli* MCL specified under 40 CFR 141.63(c).

#### § 109.903. *Requirements for an exemption*

Section 109.903(b) (relating to requirements for an exemption) is proposed to be amended to change “total coliforms” to “*E. coli*” to be consistent with the Federal *E. coli* MCL specified under 40 CFR 141.63(c).

#### § 109.1003. *Monitoring requirements*

Section 109.1003(a)(1)(i) and (2)(i) (relating to monitoring requirements) is proposed to be amended to clarify coliform and *E. coli* monitoring requirements for bottled, vended, bulk and retail water systems. This proposed amendment reflects 40 CFR 141.854, 141.855, 141.856, 141.857 and 141.858(a).

Minor proposed amendments to § 109.1003(c)(1) and (1)(ii) clarify repeat monitoring requirements for vended, retail and bulk water hauling water systems. The proposed amendments reflect 40 CFR 141.858(a)(1), which requires all PWSs to collect a minimum of three check samples instead of four.

Section 109.1003(c)(3) is proposed to be amended to clarify repeat monitoring requirements following a positive check sample. This proposed amendment reflects 40 CFR 141.858(a).

#### § 109.1008. *System management responsibilities*

The heading of § 109.1008(d) (relating to system management responsibilities) is proposed to be amended from “sanitary survey requirements” to “annual system evaluation requirements” to avoid confusion with the sanitary surveys conducted by Department personnel. Proposed amendments to this subsection replace “survey” with “evaluation” to be consistent with the proposed heading of this subsection.

Proposed § 109.1008(g) requires bottled, vended, retail and bulk hauling water systems to comply with the Level 1 and Level 2 assessment requirements specified in § 109.705(b). This proposed subsection reflects 40 CFR 141.859.

Proposed § 109.1008(h) requires bottled, vended, retail and bulk hauling water systems to comply with the seasonal system requirements in proposed § 109.715. This proposed subsection reflects 40 CFR 141.854, 141.856, 141.857 and 141.861.

#### *Additional TAC Comments*

The TAC recommended a 90-day comment period on the proposed rulemaking. Recognizing that a 30-day comment period would be inadequate, the Department recommended a 60-day comment period for the proposed rulemaking, including two public hearings. The Board approved a 60-day comment period for this proposed rulemaking with two public hearings.

The TAC requested that the Department provide written notification to the PWS within 30 days of receiving a complete/adequate assessment from a water system. This comment will be considered when developing staff guidance.

The TAC recommended that the Department consider alternative methods of delivery for both submission and receipt of assessments. This comment will be considered when developing staff guidance.

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

##### *Benefits*

This proposed rulemaking will affect all 8,868 PWSs serving approximately 12.75 million Pennsylvanians. The residents of this Commonwealth will benefit from the avoidance of a full range of health effects from the consumption of contaminated drinking water such as acute and chronic illness, endemic and epidemic disease, waterborne disease outbreaks and death.

As discussed by the EPA in the preamble to the Federal RTCR, the benefits of the Federal rule are largely unquantifiable but include the potential for decreased incidence of endemic illness from fecal contamination and other waterborne pathogens, increased knowledge regarding system operation, accelerated maintenance and repair, avoided costs of outbreaks and reductions in averting behavior. See 78 FR 10269, 10308—10320.

##### *Compliance costs*

Compliance costs were derived from the EPA's economic analysis. The Federal preamble defined these costs as "the net change in costs resulting from revisions to the 1989 TCR rather than absolute total costs of implementing the 1989 TCR as revised by the RTCR." National costs were adjusted to represent the ratio of PWSs in this Commonwealth compared to the number of PWSs Nationwide. It is estimated that water systems in this Commonwealth will bear nearly \$1.72 million of this total annual cost. The following figures represent estimated annual cost by system type: community water systems—\$126.77 per system/year; nontransient noncommunity water systems—\$128.90 per system/year; and transient noncommunity water systems: \$229.31 per system/year.

This estimate includes costs for all PWSs being required to monitor for total coliform monthly. It is important to note that mandating monthly monitoring for all PWSs will eliminate the Federal requirement to collect three additional samples in the month following a total coliform positive sample. Based on a 5-year average of approximately 580 positive samples per year, regulated noncommunity water systems are expected to not incur approximately \$40,000 per year in these extra sampling costs.

##### *Compliance Assistance Plan*

The Safe Drinking Water Program utilizes the Commonwealth's Pennsylvania Infrastructure Investment Authority Program to offer financial assistance to eligible PWSs. This assistance is in the form of a low-interest loan, with some augmenting grant funds for hardship cases. Eligibility is based upon factors such as public health impact, compliance necessity and project/operational affordability.

The Safe Drinking Water Program established a network of regional and central office training staff that is responsive to identifiable training needs. The target audience in need of training may be either program staff or the regulated community.

In addition to this network of training staff, the Bureau of Safe Drinking Water has staff dedicated to providing both training and outreach support services to PWS operators. The Department's web site also provides timely and useful information for treatment plant operators.

#### *Paperwork requirements*

Paperwork requirements include the following: completion of a Level 1 or Level 2 assessment form, or both, when sample results indicate the presence of total coliform or *E. coli*, or both, in a sufficient number of samples as designated by the regulations; submission of a seasonal system start-up plan for PWSs that operate seasonally; and annual submission of a form to the Department certifying that a seasonal system start-up plan was implemented prior to opening for the season.

#### G. *Sunset Review*

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

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 22, 2015, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

#### I. *Public Comments*

The Board is particularly interested in comments regarding alternative sampling locations and electronic reporting of assessment forms. For more information on alternative sampling locations, refer to § 109.301(3)(ii)(B) in Section E of this preamble. If interested in providing comments on electronic reporting of assessment forms, refer to § 109.705(b)(2) in Section E of this preamble.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by December 1, 2015. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by December 1, 2015. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments, including the submission of a one-page summary of comments, may be submitted to the Board online, by e-mail, by mail or by express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>. Comments may be submitted to the Board by e-mail at

RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

J. Public Hearings

The Board will hold two public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 1 p.m. on the following dates:

November 3, 2015 Department of Environmental Protection  
New Stanton District Office  
131 Broadview Road  
New Stanton, PA 15672

November 5, 2015 Department of Environmental Protection  
Southeast Regional Office  
Schuylkill and Delaware River  
Conference Rooms  
2 East Main Street  
Norristown, PA 19401

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

JOHN QUIGLEY,  
Chairperson

**Fiscal Note:** 7-494. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES  
CHAPTER 109. SAFE DRINKING WATER  
Subchapter A. GENERAL PROVISIONS

§ 109.1. Definitions.

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

\* \* \* \* \*

*Lead service line*—A service line made of lead which connects a water main to a building inlet and a lead pigtail, gooseneck or other fitting which is connected to the lead line.

**Level 1 assessment**—An evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices and, when possible, the likely reason that the system triggered the assessment.

**Level 2 assessment**—An evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices and, when possible, the likely reason that the system triggered the assessment. This assessment provides a more detailed examination of the system, including the system’s monitoring and operational practices, than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices.

*Liquid from dewatering processes*—A stream containing liquids generated from a unit used to concentrate solids for disposal.

\* \* \* \* \*

*SUVA*—Specific ultraviolet absorption at 254 nanometers (nm)—An indicator of the humic content of water. [ it ] It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (UV<sub>254</sub>) (in m<sup>-1</sup>) by its concentration of dissolved organic carbon (DOC) (in mg/L).

**Sanitary defect**—A defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

*Sanitary survey*—An onsite review and evaluation of a public water system’s source, facilities and equipment and the operation and maintenance procedures used by a public water supplier for producing and distributing safe drinking water.

**Seasonal system**—A noncommunity water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

*Sedimentation*—A process for the removal of solids before filtration by gravity or separation.

\* \* \* \* \*

Subchapter B. MCLs, MRDLs OR TREATMENT TECHNIQUE REQUIREMENTS

§ 109.202. State MCLs, MRDLs and treatment technique requirements.

\* \* \* \* \*

(c) *Treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts.* A public water system shall provide adequate treatment to reliably protect users from the adverse health effects of microbiological contaminants, including pathogenic bacteria, viruses and protozoan cysts. The number and type of treatment barriers and the efficacy of treatment provided shall be commensurate with the type, degree and likelihood of contamination in the source water.

\* \* \* \* \*

(3) A community public water system shall provide continuous disinfection and comply with Subchapter M (relating to additional requirements for groundwater sources) for groundwater sources.

(4) Public water systems shall conduct assessments in accordance with § 109.705(b) (relating to system evaluations and assessments) after meeting any of the triggers under subparagraph (i) or (ii). Failure to conduct an assessment or complete a corrective action in accordance with § 109.705(b) is a treatment technique violation requiring 1-hour reporting in accordance with § 109.701(a)(3) and public notification in accordance with § 109.409 (relating to Tier 2 public notice—categories, timing and delivery of notice).

(i) A Level 1 assessment is triggered if any of the following conditions occur:

(A) For systems taking 40 samples or more per month under § 109.301(3), the system exceeds 5.0% total coliform-positive samples for the month.

(B) For systems taking fewer than 40 samples per month under § 109.301(3), the system has 2 or more total coliform-positive samples in the same month.

(C) The system fails to take every required check sample under § 109.301(3) after any single total coliform-positive sample.

(ii) A Level 2 assessment is triggered if any of the following conditions occur:

(A) A system fails to meet the *E. coli* MCL as specified under subsection (a)(2).

(B) A system triggers another Level 1 assessment, as defined in subparagraph (i), within a rolling 12-month period, unless the Department has determined a likely reason that the samples that caused the first Level 1 assessment were total coliform-positive and has established that the system has corrected the problem.

(iii) The Department may direct a system to conduct a Level 1 or Level 2 assessment if circumstances exist which may adversely affect drinking water quality including, but not limited to, the situations specified in § 109.701(a)(3)(iii).

(5) Failure by a seasonal water system to complete the approved start-up procedure prior to serving water to the public as required under § 109.715 (relating to seasonal systems) is a treatment technique violation requiring 1-hour reporting in accordance with § 109.701(a)(3) and public notification in accordance with § 109.409.

(d) *Fluoride.* A public water system shall comply with the primary MCL for fluoride of 2 mg/L, except that a noncommunity water system implementing a fluoridation program approved by the Department of Health and using fluoridation facilities approved by the Department under § 109.505 (relating to requirements for noncommunity water systems) may exceed the MCL for fluoride but may not exceed the fluoride level approved by the Department of Health. The secondary MCL for fluoride of 2 mg/L established by the EPA under 40 CFR 143.3 (relating to secondary MCLs) is not incorporated into this chapter.

\* \* \* \* \*

**Subchapter C. MONITORING REQUIREMENTS**

**§ 109.301. General monitoring requirements.**

Public water suppliers shall monitor for compliance with MCLs, MRDLs and treatment technique requirements in accordance with the requirements established by the EPA under the National Primary Drinking Water

Regulations, 40 CFR Part 141 (relating to [ national ] National primary drinking water regulations), except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

\* \* \* \* \*

(3) *Monitoring requirements for coliforms.* Public water systems shall determine the presence or absence of total coliforms for each routine or check sample; and, the presence or absence of [ fecal coliforms or ] *E. coli* for a total coliform positive sample in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego [ fecal coliform or ] *E. coli* testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also [ fecal coliform- ] *E. coli*-positive. A system which chooses to forego [ fecal coliform or ] *E. coli* testing shall, under § 109.701(a)(3), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice).

(i) *Frequency.* Public water systems shall collect monthly samples at regular time intervals throughout the monitoring period as specified in the system distribution sample siting plan under § 109.303(a)(2) (relating to sampling requirements). Systems which use groundwater and serve 4,900 persons or fewer[ , ] may collect all required samples on a single day if they are from different sampling sites in the distribution system.

(A) [ Except as provided under § 109.705(b) (relating to sanitary surveys), the ] The number of monthly total coliform samples that [ community water systems ] a public water system shall take is based on the population served by the system as follows:

Population Served	Minimum Number of Samples per Month
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90

<i>Population Served</i>	<i>Minimum Number of Samples per Month</i>
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

**[ (B) Except as provided under § 109.705(c), the number of periodic total coliform samples that noncommunity water systems shall take is as follows:**

**(I) A noncommunity water system using only groundwater and serving 1,000 or fewer persons per day on a permanent basis, January through December each year, shall take one sample each calendar quarter that the system provides water to the public.**

**(II) A noncommunity water system using surface water (in total or in part) or serving more than 1,000 persons per day during a given month shall take the same number of samples as a community water system serving the same number of persons specified in clause (A) for each month the system provides water to the public, even if the population served is temporarily fewer than 1,000 persons per day. A groundwater system determined to be under the influence of surface water shall begin monitoring at this frequency 6 months after the Department determines that the source water is under the direct influence of surface water.**

**(C) ] (B) A public water system that uses either a surface water or a GUDI source and does not practice filtration in compliance with Subchapter B (relating to MCLs, MRDLs or treatment technique requirements) shall collect at least one total coliform sample at the entry point, or an equivalent location as determined by the Department, [ to the distribution system ] within 24 hours of each day that the turbidity level in the source water, measured as specified in paragraph (2)(i)(B), exceeds 1.0 NTU. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the sample analyzed within 30 hours of collection. A logistical problem outside the system's control may include a source water turbidity result exceeding 1.0 NTU over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time. These sample results shall be included in determining compliance with the MCL for [ total coliforms ] *E. coli* established under § 109.202(a)(2) and whether an assessment has been triggered under § 109.202(c)(4).**

**(C) Prior to serving water to the public each season, a seasonal system shall collect one or more total coliform samples in accordance with the Department-approved start-up procedure specified in § 109.715 (relating to seasonal systems) until**

**coliforms are not detected in a set of samples. These samples are considered special purpose samples under subparagraph (v).**

**(D) A system may take more than the minimum number of required routine samples only if the samples are collected in accordance with § 109.303(a)(2) and are included in the sample siting plan in accordance with § 109.701(a)(5). These samples shall be included in determining whether an assessment has been triggered under § 109.202(c)(4).**

**(E) A community water system serving 1,000 people or fewer or a noncommunity water system may be required to begin monitoring on an alternate schedule established by the Department. This determination will be made based on the results of a special monitoring evaluation performed during a sanitary survey. The system shall continue monitoring on the alternate schedule until otherwise notified by the Department.**

**(ii) Repeat monitoring.** A public water system shall collect a set of check samples within 24 hours of being notified of a total coliform-positive routine [ or check sample ] sample, a total coliform-positive check sample or a total coliform-positive sample collected under subparagraph (i)(B). The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside the system's control may include a coliform-positive sample result received over a holiday or weekend in which the services of a Department [ certified ] accredited laboratory are not available within the prescribed sample holding time.

**(A) A public water system [ which collects more than one routine sample per monitoring period ] shall collect at least three check samples for each routine total coliform-positive sample found.**

**[ (B) A system which collects only one routine sample per monitoring period shall collect at least four check samples for each total coliform-positive sample found.**

**(C) ] (B) The system shall collect at least one check sample from the sampling tap where the original total coliform-positive sample was taken, at least one check sample at a tap within five service connections upstream of the original coliform-positive sample and at least one check sample within five service connections downstream of the original sampling site. If a total coliform-positive sample occurs at the end of the distribution system or one service connection away from the end of the distribution system, the water supplier shall collect an additional check sample upstream of the original sample site in lieu of a downstream check sample.**

**[ (D) ] (C) A system shall collect all check samples on the same day, except that a system with a single service connection may collect the required set of check samples all on the same day or consecutively over a [ 4-day ] 3-day period.**

**[ (E) ] (D) At a minimum, the system shall collect one set of check samples for each total coliform-positive routine sample. If a check sample is total coliform-positive, the public water system shall collect**



additional check samples in the manner specified in this subparagraph. The system shall continue to collect check samples until either total coliforms are not detected in a set of check samples, or the system determines that [ **the MCL for total coliforms as established under § 109.202(a)(2) has been exceeded and notifies the Department** ] an assessment has been triggered under § 109.202(c)(4) and notifies the Department in accordance with § 109.701(a)(9).

[ **(F) If a system collecting fewer than five routine samples per month has one or more valid total coliform-positive samples, the system shall collect at least five routine samples during the next month the system provides water to the public. The number of routine samples for the month following a total coliform-positive sample may be reduced by the Department to at least one sample the next month if the reason for the total coliform-positive sample is determined and the problem has been corrected or will be corrected before the end of the next month.**

(G) [ **(E) Results of all routine and check samples not invalidated by the Department shall be included in determining compliance with the MCL for [ total coliforms ] *E. coli* as established under § 109.202(a)(2) or whether an assessment has been triggered under § 109.202(c)(4).**

(iii) *Invalidation of total coliform samples.* A total coliform sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this section.

(A) The Department may invalidate a total coliform-positive sample if one of the following applies:

(I) The laboratory which performed the analysis establishes that improper sample analysis caused the total coliform-positive result.

(II) A domestic or other nondistribution system plumbing problem exists when a coliform contamination incident occurs that is limited to a specific service connection from which a coliform-positive sample was taken in a public water system with more than one service connection. The Department's determination to invalidate a sample shall be based on a total coliform-positive check sample collected at the same tap as the original total coliform-positive sample and all total coliform-negative check samples collected within five service connections of the original total coliform positive sample. This type of sample invalidation does not apply to public water systems with only one service connection.

(III) A total coliform-positive sample result is due to a circumstance or condition which does not reflect water quality in the distribution system. The Department's decision to invalidate a sample shall be based on evidence that the sample result does not reflect water quality in the distribution system. In this case, the system shall still collect all check samples required under subparagraph (ii) to determine compliance with the MCL for [ **total coliforms** ] *E. coli* as established under § 109.202(a)(2) or whether an assessment has been triggered under § 109.202(c)(4). The decision to invalidate a total coliform-positive sample result and supporting evidence will be documented by the Department, in writing, and approved and signed by the supervisor of the Department official who recommended the decision.

(B) A laboratory shall invalidate a total coliform sample if no total coliforms are detected and one of the following occurs:

(I) The sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined.

(II) The sample exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter.

(III) **The sample produces a turbid culture in the absence of an acid reaction in the Presence-Absence Coliform Test.**

(C) If a laboratory invalidates a sample because of interference as specified in clause (B), the laboratory shall notify the system within 1 business day to collect another sample from the same location as the original sample within 24 hours of being notified of the interference and have it analyzed for the presence of total coliforms. The system shall resample within 24 hours of being notified of interference and continue to resample every 24 hours until it receives a valid result. The Department may extend this 24-hour limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the resamples analyzed within 30 hours. A logistical problem outside the system's control may include a notification of a laboratory sample invalidation, due to interference, which is received over a holiday or weekend in which the services of a Department [ **certified** ] **accredited** laboratory are not available within the prescribed sample holding time.

(iv) *Compliance determinations.*

[ **(A) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.**

(I) **For a system which collects at least 40 samples per month, if no more than 5.0% of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.**

(II) **For a system which collects fewer than 40 samples per month, if no more than one sample collected during the month is total coliform-positive, the system is in compliance with the MCL for total coliforms.**

(B) **Any fecal coliform-positive repeat sample or *E. coli*-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample constitutes a violation of the MCL for total coliforms. ]**

(A) **A system is in compliance with the MCL for *E. coli* as specified under § 109.202(a)(2) for samples taken under this paragraph unless any of the following conditions occur:**

(I) **The system has an *E. coli*-positive check sample following a total coliform-positive routine sample.**

(II) **The system has a total coliform-positive check sample following an *E. coli*-positive routine sample.**

(III) **The system fails to take all required check samples following an *E. coli*-positive routine sample.**

**(IV) The system fails to test for *E. coli* when any check sample tests positive for total coliform.**

[ (C) ] (B) A public water system shall determine compliance with the MCL for [ **total coliforms in clauses (A) and (B)** ] *E. coli* in clause (A) for each month in which it is required to monitor for total coliforms.

(v) **Special purpose samples.** Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, **those taken to investigate potential problems in the distribution system or those collected as part of a seasonal system start-up procedure**, may not be used to determine compliance with the MCL for [ **total coliform** ] *E. coli* as established under § 109.202(a)(2) or whether an assessment has been triggered under § 109.202(c)(4). Check samples taken under subparagraph (ii) are not considered special purpose samples, and shall be used to determine compliance with the monitoring [ **and** ], MCL requirements and treatment technique requirements for total coliforms and *E. coli* established under [ **this paragraph and** ] § 109.202(a)(2) and (c)(4).

\* \* \* \* \*

**§ 109.303. Sampling requirements.**

(a) The samples taken to determine a public water system's compliance with MCLs or MRDLs or to determine compliance with monitoring requirements shall be taken at the locations identified in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements), or as follows:

(1) Samples for determining compliance with the turbidity MCL shall be taken at each entry point associated with a surface water source that the Department has determined shall be filtered.

(2) Samples for determining compliance with the [ **total coliform MCL** ] *E. coli* MCL under § 109.202(a)(2) (relating to State MCLs, MRDLs and treatment technique requirements) and for determining whether an assessment is triggered under § 109.202(c)(4) shall be taken at regular intervals throughout the monitoring period at sites which are representative of water throughout the distribution system according to [ **an approved** ] a written sample siting plan as specified under § 109.701(a)(5) (relating to reporting and recordkeeping). **Representative locations include, but are not limited to, the following:**

- (i) **Dead ends.**
- (ii) **First service connection.**
- (iii) **Finished water storage facilities.**
- (iv) **Interconnections with other public water systems.**
- (v) **Areas of high water age.**
- (vi) **Areas with previous coliform detections.**

(3) Samples for determining compliance with the fluoride MCL shall be taken at each entry point.

\* \* \* \* \*

**Subchapter D. PUBLIC NOTIFICATION**

**§ 109.408. Tier 1 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 1 public notice.* A public water supplier shall provide Tier 1 public notice for the following circumstances:

(1) Violation of the MCL for [ **total coliforms when fecal coliforms or *E. coli* are present in the water distribution system** ] *E. coli*, as specified in § 109.202(a)(2) (relating to State MCLs, MRDLs [ **or** ] and treatment technique requirements), or when the water supplier fails to test for [ **fecal coliforms or** ] *E. coli* when any check sample tests positive for coliforms, as specified in § 109.301(3) (relating to general monitoring requirements).

\* \* \* \* \*

**§ 109.409. Tier 2 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 2 public notice.* A public water supplier shall provide Tier 2 public notice for the following circumstances:

(1) All violations of the primary MCL, MRDL, treatment technique requirements and failure to take corrective action in Subchapters B, C, G, K, L or M, except when a Tier 1 notice is required under § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice) or when the Department determines that a Tier 1 notice is required. The tier assignment for fluoride is not incorporated by reference. Under § 109.202(d) (relating to State MCLs, MRDLs [ **or** ] and treatment technique requirements), a public water system shall comply with the primary MCL for fluoride of 2 mg/L. As such, a public water supplier shall provide Tier 2 public notice for violation of the primary MCL for fluoride.

(2) Violations of the monitoring requirements in Subchapter C, K or M (relating to monitoring requirements; lead and copper; and additional requirements for groundwater sources), when the Department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation.

(3) **Failure to report an *E. coli* MCL violation or an *E. coli*-positive routine or check sample as required under § 109.701(a)(3)(iv) (relating to reporting and recordkeeping).**

[ (3) ] (4) Failure to comply with the terms and conditions of any variance or exemption in place under Subchapter I (relating to variances and exemptions issued by the Department).

[ (4) ] (5) Other violations or situations determined by the Department to require a Tier 2 public notice, taking into account potential chronic health impacts and persistence of the violation.

(b) *Timing for a Tier 2 public notice.* A public water supplier shall do the following

(1) Report the circumstances to the Department within 1 hour of discovery of a violation under subsection (a)(1), in accordance with § 109.701(a)(3) [ **(relating to reporting and recordkeeping)** ].

(2) Provide the public notice as soon as possible, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice shall remain in place for as long as the violation or situation persists, but in no case for less than 7 days, even if the violation or situation is resolved. The Department may, in appropriate circumstances, allow additional time for the initial notice of up to 3 months from the date the system learns of the violation. The Department will not grant an extension across the board or for an unresolved violation. Extensions granted by the Department will be in writing.

(3) Repeat the notice every 3 months as long as the violation or situation persists, unless the Department determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstances may the repeat notice be given less frequently than once per year. The Department will not allow less frequent repeat notices across the board; [ or for an MCL violation for total coliforms established under § 109.202(a)(2); ] or for a violation of a treatment technique requirement for pathogenic bacteria, viruses and protozoan cysts as defined in § 109.202(c); or for other ongoing violations. Determinations granted by the Department for less frequent repeat notices will be in writing.

\* \* \* \* \*

**Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES**

**§ 109.701. Reporting and recordkeeping.**

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

\* \* \* \* \*

(3) *One-hour reporting requirements.* A public water supplier shall report the circumstances to the Department within 1 hour of discovery for the following violations or situations:

\* \* \* \* \*

(iii) Circumstances exist which may adversely affect the quality or quantity of drinking water including, but not limited to:

\* \* \* \* \*

(H) A lack of resources that adversely affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

**(iv) Any sample result is *E. coli*-positive.**

(4) *Notice.* The water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification) with the exception of a CCR, submit to the Department a certification that it has fully complied with the public notification requirements. The water supplier shall include with this certification a representative copy of each type of notice distributed, published, posted and made available to persons served by the system and to the media and a description of the means undertaken to make the notice available.

(5) *Siting plan.* The water supplier shall submit to the Department a written sample siting plan for routine and repeat coliform sampling as required [ by § 109.303(a)(2) (relating to sampling requirements) within 30 days of receipt of the Department's re-

quest for this information ] under § 109.301(3) by \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*). A public water system that begins operation after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) shall submit the sample siting plan prior to serving water to the public.

(i) A sample siting plan shall include at a minimum the following:

(A) A list of [ available ] sample site locations as specified in § 109.303(a)(2) (relating to sampling requirements) in the distribution system to be used for routine monitoring purposes [ , including the first service connection (or Department approved equivalent) and dead ends ] .

(B) The name of the company or individual collecting the samples.

(C) [ A time period by which available sites representative of the distribution system are to be sampled during each monitoring period. ] A sample collection schedule.

(D) Available repeat monitoring locations for each routine monitoring location.

(E) Triggered source water monitoring locations as specified under § 109.1303 (relating to triggered monitoring requirements for groundwater sources).

(F) The population served by the system.

(G) A description of the accessibility of sample sites.

(H) The beginning and ending dates of each operating season for seasonal systems.

[ (ii) The Department's approval of a sample siting plan will be based upon the following:

(A) The population served by the system.

(B) The accessibility of sample sites.

(C) The past monitoring history for the system.

(D) The completeness of the sample siting plan which includes the information specified in subparagraph (i) and other information relating to the criteria in this subparagraph necessary for evaluation of the sample siting plan.

(iii) ] (ii) A water supplier shall revise and resubmit its sample siting plan within 30 days of notification by the Department of a sample siting plan which fails to meet the criteria in [ subparagraphs (i) and (ii) ] subparagraph (i).

[ (iv) ] (iii) The water supplier shall notify the Department of subsequent revisions to [ an approved ] a coliform sample siting plan [ for approval ] as they occur. Revisions to [ an approved ] a coliform sample siting plan shall be submitted in written form to the Department within 30 days of notifying the Department of the revisions.

(6) *Records.* Upon request by the Department, the water supplier shall submit copies of records required to be maintained under this subchapter.

(7) *Form.* Reports required by this chapter shall be submitted in a manner or form acceptable to the Department.

(8) *Reporting requirements for disinfectant residuals.* In addition to the reporting requirements specified in paragraph (1), public water systems shall report MRDL monitoring data as follows:

(i) Systems monitoring for chlorine dioxide under § 109.301(13) shall report the number of days chlorine dioxide was used at each entry point during the last month.

(ii) Systems monitoring for either chlorine or chloramines under § 109.301(13) shall report the following:

(A) The number of samples taken during the month.

(B) The arithmetic average of all distribution samples taken in the last month.

**(9) Level 1 and Level 2 assessments. A public water supplier shall:**

**(i) Report to the Department within 48 hours of triggering a Level 1 or Level 2 assessment under § 109.202(c)(4).**

**(ii) Submit an assessment form completed in accordance with § 109.705(b) (relating to system evaluations and assessments) to the Department within 30 days after the system learns that it has exceeded a trigger under § 109.202(c)(4).**

**(iii) Submit a revised assessment form in accordance with § 109.705(b) within 30 days of notification from the Department that revisions are necessary.**

[ (9) ] (10) *Noncompliance report.* Except where a different reporting period is specified in this chapter, the water supplier shall report to the Department within 48 hours the failure to comply with any National Primary Drinking Water Regulation, including the failure to comply with any monitoring requirement set forth in this chapter.

\* \* \* \* \*

(d) *Record maintenance.* The public water supplier shall retain on the premises of the public water system or at a convenient location near the premises the following:

\* \* \* \* \*

(8) Copies of public notifications issued under Subchapter D and certifications made to the Department under subsection (a)(4) shall be kept for 3 years after issuance.

**(9) A copy of any assessment form and documentation of corrective actions completed as a result of those assessments or other available summary documentation of the sanitary defects and corrective actions taken under § 109.705(b) shall be kept at least 5 years after completion of the assessment or corrective action.**

(e) *Reporting requirements for public water systems required to perform individual filter monitoring under § 109.301(1)(iv).*

\* \* \* \* \*

**§ 109.702. Operation and maintenance plan.**

(a) A community water supplier shall develop an operation and maintenance plan for the community water system. The operation and maintenance plan must generally conform to the guidelines contained in the Department's *Public Water Supply Manual* and contain at least the following information:

\* \* \* \* \*

(9) [ **Sanitary survey program** ] **System evaluation program as required under § 109.705(a) (relating to system evaluations and assessments)** including the wellhead protection program for any water system that develops one under § 109.713 (relating to wellhead protection [ **programs** ] **program**).

\* \* \* \* \*

**§ 109.705. [ Sanitary surveys ] System evaluations and assessments.**

(a) A community water supplier shall conduct [ **a sanitary survey** ] **an evaluation** of the water system at least annually. The [ **survey** ] **evaluation** shall include the following activities:

\* \* \* \* \*

(5) Pressure surveys consisting of a measurement of pressures at representative points in the distribution system, which shall include new water line extensions. Surveys shall be made during periods of maximum and minimum usage. Records of these surveys shall show the date and time of the beginning and end of the test and the location at which the test was made.

[ (b) **A community water system which does not collect five or more routine coliform samples per month shall do one of the following:**

(1) **Undergo a sanitary survey conducted by the Department by June 29, 1994, and thereafter undergo a subsequent sanitary survey conducted by the Department at a minimum frequency of every 3 years.**

(2) **Increase the number of routine coliform samples collected to at least five samples per month if the Department does not conduct a sanitary survey by June 29, 1994, or within 3 years following the initial or a subsequent sanitary survey. This increased sampling frequency shall be in place of the monitoring frequency requirements for coliforms in § 109.301(3)(i) (relating to general monitoring requirements) and remain in effect through the month in which the next sanitary survey is conducted by the Department.**

(c) **A noncommunity water system which does not collect five or more routine coliform samples per month shall do one of the following:**

(1) **Undergo an initial sanitary survey (1) conducted by the Department by June 29, 1999, and thereafter undergo a subsequent sanitary survey at a minimum of every 5 years after the initial sanitary survey.**

(2) **Increase the number of routine coliform samples collected to at least five samples per month if the Department does not conduct a sanitary survey by June 29, 1999, or within 5 years following the initial or a subsequent sanitary survey. This increased sampling frequency shall be in place of the monitoring frequency requirements for coliforms in § 109.301(3)(i) and shall remain in effect through the month in which the next sanitary survey is conducted by the Department. ]**

(b) **A public water system shall conduct Level 1 and 2 assessments required under § 109.202(c)(4) (relating to State MCLs, MRDLs and treatment technique requirements). The public water system shall also comply with any expeditious actions or**

additional actions required by the Department in the case of an *E. coli* MCL violation.

(1) A Level 1 or Level 2 assessment must include review and identification of the following elements, at a minimum:

(i) Atypical events that could affect distributed water quality or indicate that distributed water quality was impaired.

(ii) Changes in distribution system maintenance and operation that could affect distributed water quality, including water storage.

(iii) Sources and treatment processes that impact distributed water quality.

(iv) Existing water quality monitoring data.

(v) Inadequacies in sample sites, sampling protocols and sample processing.

(2) Within 30 days of triggering a Level 1 or Level 2 assessment under § 109.202(c)(4), a public water system shall complete the appropriate assessment and submit a report to the Department on forms acceptable to the Department.

(3) A Level 1 assessment must be conducted by competent personnel qualified to operate and maintain the water system's facilities.

(4) A Level 2 assessment must be conducted by one or more individuals meeting the following criteria:

(i) Holds a valid certificate issued under Chapter 302 (relating to administration of the water and wastewater operators' certification program) to operate a water system.

(ii) Maintains certification in the appropriate class and subclassifications as defined in Chapter 302 for the size and treatment technologies for the water system being assessed.

(5) The Department may conduct a Level 1 or Level 2 assessment in addition to the assessment conducted by the public water system.

(6) In the completed assessment report, the public water system shall describe all sanitary defects identified, corrective actions completed and a proposed timetable for any corrective actions not already completed. The assessment report may also note that no sanitary defects were identified.

(7) If the Department determines that a Level 1 or Level 2 assessment is not sufficient, the public water system shall consult with the Department within 14 days of receiving written notification from the Department that the assessment is not sufficient. Following consultation, the Department may require a public water system to revise the assessment. A public water system shall submit a revised assessment form to the Department no later than 30 days from the date of consultation.

(8) Public water systems shall correct sanitary defects found through either a Level 1 or Level 2 assessment conducted in accordance with this subsection. For corrections not completed by the time of submission of the assessment report, the public water system shall complete the corrective actions in compliance with a timetable approved by the Department in consultation with the system. The system shall notify the Department when each scheduled corrective action is completed.

(9) At any time during the assessment or corrective action phase, either the public water system or the Department may request a consultation with the other party to determine the appropriate actions to be taken. The public water system may consult with the Department on all relevant information that may impact its ability to comply with a requirement of this subsection.

[ (d) ] (c) The following apply to significant deficiencies identified at public water systems supplied by a surface water source and public water systems supplied by a groundwater source under the direct influence of surface water:

(1) For sanitary surveys performed by the Department, a system shall respond in writing to significant deficiencies identified in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey.

(2) A system shall correct significant deficiencies identified in sanitary survey reports according to the schedule approved by the Department, or if there is no approved schedule, according to the schedule reported under paragraph (1) if the deficiencies are within the control of the system.

[ (e) ] (d) Significant deficiencies identified by the Department at public water systems using groundwater shall comply with § 109.1302(c) (relating to [ **groundwater systems with significant deficiencies or source water *E. coli* contamination** ] treatment technique requirements).

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

#### § 109.715. Seasonal systems.

(a) A new seasonal system shall submit a start-up procedure with the construction permit application or brief description as required under § 109.505(a) (relating to requirements for noncommunity water systems).

(b) A seasonal system approved by the Department to operate prior to \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), shall submit a start-up procedure to the Department by \_\_\_\_\_ (*Editor's Note: The blank refers to 30 days after effective date of adoption of this proposed rulemaking.*).

(c) If the Department determines that a start-up procedure is not sufficient, the public water system shall submit a revised start-up procedure within 30 days of receiving written notification from the Department.

(d) A seasonal system shall submit to the Department for approval any revisions to an approved start-up procedure prior to serving water to the public the next season.

(e) A seasonal system shall demonstrate completion of a Department-approved start-up procedure by submitting written certification prior to serving water to the public each season.

#### Subchapter H. LABORATORY CERTIFICATION

#### § 109.810. Reporting and notification requirements.

\* \* \* \* \*

(b) A laboratory accredited under Chapter 252 shall whenever the results of test measurements or analyses performed by the laboratory under this chapter indicate an MCL, MRDL or a treatment technique performance

requirement under § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements) is exceeded, or an action level under § 109.1102(a) (relating to [lead and copper] action levels and treatment technique requirements) is exceeded, or a sample result requires the collection of check or confirmation samples under § 109.301 (relating to general monitoring requirements), or any check sample collected under § 109.301(3) is total coliform-positive, or a sample collected under Subchapter M (relating to additional requirements for groundwater sources) is E. coli-positive:

(1) Notify the public water supplier by telephone within 1 hour of the laboratory's determination. If the supplier cannot be reached within that time, notify the Department by telephone within 2 hours of the determination. If it is necessary for the laboratory to contact the Department after the Department's routine business hours, the laboratory shall contact the appropriate Department regional office's after-hours emergency response telephone number and provide information regarding the occurrence, the name of a contact person and the telephone number where that individual may be reached in the event further information is needed. If the Department's appropriate emergency number cannot be reached, the laboratory shall notify the appropriate Department regional office by telephone within 1 hour of the beginning of the next business day. Each accredited laboratory shall be responsible for the following:

(i) Obtaining and then maintaining the Department's current after-hours emergency response telephone numbers for each applicable regional office.

(ii) Establishing or updating a standard operating procedure by November 8, 2002, and at least annually thereafter to provide the information needed to report the occurrences to the Department. The information regarding the public water system must include, but is not limited to, the PWSID number of the system, the system's name, the contaminant involved in the occurrence, the level of the contaminant found, where the sample was collected, the dates and times that the sample was collected and analyzed, the name and identification number of the [certified] accredited laboratory, the name and telephone number of a contact person at the laboratory and what steps the laboratory took to contact the public water system before calling the Department.

\* \* \* \* \*

**Subchapter I. VARIANCES AND EXEMPTIONS ISSUED BY THE DEPARTMENT**

**§ 109.901. Requirements for a variance.**

\* \* \* \* \*

(b) The MCL for [total coliforms] E. coli established under § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements) is not eligible for a variance.

\* \* \* \* \*

**§ 109.903. Requirements for an exemption.**

\* \* \* \* \*

(b) The MCL for [total coliforms] E. coli established under § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements) is not eligible for an exemption.

\* \* \* \* \*

**Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS**

**§ 109.1003. Monitoring requirements.**

(a) General monitoring requirements. Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs and MRDLs in accordance with § 109.301 (relating to general monitoring requirements) and shall comply with § 109.302 (relating to special monitoring requirements). The monitoring requirements shall be applied as follows, except that systems which have installed treatment to comply with primary MCL shall conduct quarterly operational monitoring for the contaminant which the facility is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems, for each entry point shall:

(i) Monitor [for microbiological contaminants] weekly for the presence or absence of total coliform. For any total coliform positive routine or check sample, determine the presence or absence of E. coli. All analyses must be conducted in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego E. coli testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also E. coli-positive. A system which chooses to forego E. coli testing shall, under § 109.701(a)(3) (relating to reporting and recordkeeping), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.1004 (relating to public notification).

\* \* \* \* \*

(2) Vended water systems shall monitor in accordance with paragraph (1) except that vended water systems qualifying for permit by rule under § 109.1005(b), for each entry point shall:

(i) Monitor monthly for [microbiological contaminants] the presence or absence of total coliform. For any total coliform positive routine or check sample, determine the presence or absence of E. coli. All analyses must be conducted in accordance with analytical techniques approved by the Department under § 109.304. A system may forego E. coli testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also E. coli-positive. A system which chooses to forego E. coli testing shall, under § 109.701(a)(3), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.1004.

\* \* \* \* \*

(c) Repeat monitoring for microbiological contaminants.

(1) If a sample collected in accordance with subsection (a)(1)(i) or (2)(i) is found to be total coliform-positive:

(i) The bottled water system shall collect a set of three additional samples (check) from the same lot or batch of the type of product.

(ii) The vended water, retail water facility or bulk water hauling systems shall collect a set of [four] three

additional samples (check) from the same entry point (machine, point of delivery or carrier vehicle).

(2) Samples shall be collected for analysis within 24 hours of being notified of the total coliform-positive sample. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside the system's control may include a coliform-positive result received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(3) [ If a check sample is total coliform-positive, the system shall be deemed to have violated the MCL for total coliforms established under § 109.1002 (relating to MCLs, MRDLs or treatment techniques). ] At a minimum, the system shall collect one set of check samples for each total coliform-positive routine sample. If a check sample is total coliform-positive, the public water system shall collect additional check samples in the manner specified in this subsection. The system shall continue to collect check samples until either total coliforms are not detected in a set of check samples, or the system determines that an assessment has been triggered under § 109.202(c)(4) (relating to State MCLs, MRDLs and treatment technique requirements).

(d) A bulk water hauling system that serves at least 25 of the same persons year around. A bulk water hauling system that is determined by the Department to serve at least 25 of the same persons year round shall comply with the monitoring requirements for community water systems in accordance with § 109.301.

\* \* \* \* \*

§ 109.1008. System management responsibilities.

\* \* \* \* \*

(d) [ Sanitary survey ] Annual system evaluation requirements. Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall conduct [ a sanitary survey ] an evaluation of the water system at least annually[ , the survey to

include ] that includes the activities listed in paragraphs (1)—(4). A bottled water, vended water, bulk water hauling system or retail water facility obtaining finished water from a permitted public water system is not required to perform the activities in paragraphs (1) and (2) if the Department determines that there are no potential problems necessitating inspection and evaluation of the source.

\* \* \* \* \*

(f) Cross-connection control program. At the direction of the Department, the bottled water, vended water, retail water or bulk water supplier shall develop and implement a comprehensive control program for the elimination of existing cross-connections or the effective containment of sources of contamination, and prevention of future cross connections. A description of the program, including the following information, shall be submitted to the Department for approval:

- (1) A description of the methods and procedures to be used.
- (2) An implementation schedule for the program.
- (3) A description of the methods and devices which will be used to protect the water system.

(g) Level 1 and Level 2 assessments. Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems shall comply with the requirements of § 109.705(b) (relating to system evaluations and assessments). Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems may use a Nationally-recognized organization which inspects bottled water systems for compliance with 21 CFR Part 129, such as NSF, or another organization, state or country which utilizes an inspection protocol as stringent as NSF's protocols to conduct the Level 2 assessment.

(h) Seasonal systems. A bottled water system, vended water system, retail water facility or bulk water hauling system that operates as a seasonal system shall comply with the requirements of § 109.715 (relating to seasonal systems).

[Pa.B. Doc. No. 15-1759. Filed for public inspection October 2, 2015, 9:00 a.m.]

\_\_\_\_\_

# STATEMENTS OF POLICY

## LEGISLATIVE REFERENCE BUREAU

[ 101 PA. CODE CH. 31 ]

### Right-to-Know Law; Proposed Amendments

The Legislative Reference Bureau (Bureau) proposes to amend § 31.23(d) (relating to parties) to read as set forth in Annex A. The purpose of this proposed statement of policy is to provide discretion on holding hearings on appeals. Under current § 31.23(d), a hearing is mandated if an appeal involves a deemed denial, willful misconduct or a frivolous request, or if the appeals officer determines that there is good cause for a hearing. This proposed statement of policy is designed to increase efficiency. The good cause determination subsumes the issues raised by deemed denials, willful misconduct and frivolous requests.

Comments on this proposed statement of policy may be sent to the Open-Records Officer, Legislative Reference Bureau, Room 641, Main Capitol Building, 501 North Third Street, Harrisburg PA 17120-0033, fax (717) 783-2396, lrbrighttoknow@palrb.net. The Bureau will consider comments it receives prior to November 7, 2015.

VINCENT C. DeLIBERATO, Jr.,  
*Director*

#### Annex A

#### TITLE 101. GENERAL ASSEMBLY

#### PART I. LEGISLATIVE REFERENCE BUREAU

#### Subpart E. STATEMENTS OF POLICY

#### CHAPTER 31. RIGHT-TO-KNOW LAW

#### Subchapter C. APPELLATE PROCEDURE

#### § 31.23. Parties.

\* \* \* \* \*

(d) *Hearing.*

(1) A hearing will be held on an appeal [ **only if any of the following apply:** ] **if the appeals officer determines that there is good cause for a hearing.**

[ (i) **The appeal is of a deemed denial under section 901 of the law.**

(ii) **The requester alleges willful misconduct under section 1304(a)(1) of the law (65 P. S. § 67.1304(a)(1)).**

(iii) **In the denial, the open-records officer rules that the request is frivolous under section 1304(b) of the law.**

(iv) **The appeals officer determines that there is good cause for a hearing. ]**

(2) Under section 1102(b)(2) of the law, a hearing is subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

\* \* \* \* \*

[Pa.B. Doc. No. 15-1760. Filed for public inspection October 2, 2015, 9:00 a.m.]



# NOTICES

## 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 September 22, 2015.

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

### BANKING INSTITUTIONS

#### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-16-2015	Interim Atlantic Community Bankers Bank Camp Hill Cumberland County  The purpose of Interim Atlantic Community Bankers Bank, Camp Hill, is to merge with Atlantic Community Bankers Bank, Camp Hill, to facilitate the proposed reorganization of Atlantic Community Bankers Bank into a bank holding company structure whereby Atlantic Community Bankers Bank will become the wholly-owned subsidiary of Atlantic Community Bancshares, Inc., a new holding company in formation.	Filed
9-18-2015	Covenant Interim Bank Doylestown Bucks County  The purpose of Covenant Interim Bank, Doylestown, is to merge with Covenant Bank, Doylestown, to facilitate the proposed reorganization of Covenant Bank into a bank holding company structure whereby Covenant Bank will become the wholly-owned subsidiary of Covenant Financial, Inc., a new holding company in formation.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-14-2015	Prudential Savings Bank Philadelphia Philadelphia County	2 Penn Center 1500 John F. Kennedy Boulevard Philadelphia Philadelphia County	Opened
9-15-2015	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	4275 County Line Road Chalfont Bucks County	Approved
9-16-2015	Penn Liberty Bank Wayne Delaware County	110 Town Square Place King of Prussia Montgomery County	Filed
9-16-2015	Northwest Savings Bank Warren Warren County	3858 North Buffalo Road Orchard Park Erie County, New York	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-11-2015	Prudential Savings Bank Philadelphia Philadelphia County	112 South 19th Street Philadelphia Philadelphia County	Closed

**CREDIT UNIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-16-2015	TruMark Financial Credit Union Trevoise Bucks County	8500-5804 Germantown Avenue Philadelphia Philadelphia County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-21-2015	Local 380 IBEW Credit Union Collegeville Montgomery County  Amendment to Article I of the institution's Articles of Incorporation provides for change in their corporate title to "Affiliated Trades Credit Union."	Effective

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. 15-1761. Filed for public inspection October 2, 2015, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Cyber Charter School Applications; Public Hearings

The Department of Education (Department) has scheduled five dates for public hearings regarding cyber charter school applications that it received on or before October 1, 2015. The hearings will be held on November 2, 2015, November 5, 2015, November 9, 2015, November 12, 2015, November 18, 2015, and November 20, 2015, in Heritage Room A on the lobby level of 333 Market Street, Harrisburg, PA 17126, at 9 a.m. on each day. The hearings pertain to applicants seeking to operate a cyber charter school beginning in the 2016-2017 school year. The purpose of the hearings is to gather information from the applicants about the proposed cyber charter schools as well as receive comments from interested individuals regarding the applications. The names of the applicants, copies of the applications and a listing of the dates and times scheduled for the hearing on each application can be viewed on the Department's web site at [www.education.pa.gov](http://www.education.pa.gov).

Individuals who wish to provide comments on an application during the hearing must provide a copy of their written comments to the Department and the applicant on or before October 27, 2015. Comments provided by this deadline and presented at the hearing will become part of the certified record. Failure to comply with this deadline will preclude the individual from providing comments at the hearings. Verbal comments may be limited based on the number of individuals requesting time to provide comments and may be limited if the comments are duplicative or repetitive of another

individual's comments. Persons who are unable to attend the hearing may also provide the Department and the applicant with written comments on or before October 27, 2015. Any written comments provided to the Department by this deadline will also become part of the certified record.

During the public hearing on an application, the cyber charter applicant will have 30 minutes to present information about the proposed cyber charter school. Each hearing will be conducted by the panel of individuals who have completed an initial review of the application. The panel members may question the applicant on issues identified during their review, as well as issues raised in the written comments filed by the deadline. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicant or the panel members.

Comments should be addressed to Steve Carney, Charter Schools Office, 333 Market Street, 10th Floor, Harrisburg, PA 17126-0333. Hearing agendas will be prepared after October 27, 2015, when the Department is aware of the number of individuals who wish to provide verbal comments at each hearing. The hearing agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. Hearing agendas will be posted under Charter School Administration on the Department's web site at <http://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

For questions regarding these hearings, contact Steve Carney, (717) 787-9744, [charterschools@pa.gov](mailto:charterschools@pa.gov).

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 15-1762. Filed for public inspection October 2, 2015, 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 POLLUTION 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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0053546 (Sewage)	Dzedzy SRSTP 412 Lincoln Road Phoenixville, PA 19460	Chester County East Pikeland Township	Pickering Creek (3-D)	Y

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0090131 (Sewage)	Beryl Acres STP 152 Valley View Road Scenery Hill, PA 15360	Washington County North Bethlehem Township	Unnamed Tributary of South Branch of Pigeon Creek	Y
PA0218456 Sewage	Wright SRSTP 432 Lakeview Drive New Brighton, PA 15066	Beaver County New Sewickley Township	Brush Creek (20-C)	Y
PA0219428 Sewage	VanKirk SRSTP 7669 Big Beaver Boulevard Wampum, PA 16157	Beaver County Big Beaver Borough	Unnamed Tributary of Beaver River (20-B)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0025534 (Sewage)	Kiasutha Recreation Area STP Forest Roads 262 Kane, PA 16735	McKean County Hamilton Township	Kinzua Creek Branch of the Allegheny Reservoir (16-B)	Y
PA0263737 (sewage)	Eric R & Katy J Hess SRSTP 260 Railway Lane Clarendon, PA 16313	Warren County Cherry Grove Township	Unnamed Tributary of Minister Creek (16-F)	Y

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

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

**PA0040576**, Sewage, SIC Code 6552, **Valleybrook Homeowners Association, Inc.**, P. O. Box 394, Chester Heights, PA 19017-394. Facility Name: Valleybrook Homeowners Association STP. This existing facility is located in Chester Heights Borough, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), West Branch Chester Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.072 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Instant. Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	15.0	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	18.0	XXX	XXX	30.0	XXX	60.0
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Daily Max 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	9.0	XXX	XXX	15.0	XXX	30.0
Nov 1 - Apr 30	12.0	XXX	XXX	20.0	XXX	40.0
Total Phosphorus						
May 1 - Oct 31	0.6	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30	1.2	XXX	XXX	2.0	XXX	4.0

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available

E. Chlorine Optimization

F. Operator Notification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0036412**, Sewage, SIC Code 8361, **Tel Hai Retirement Community**, 1200 Tel Hai Circle, Honey Brook, PA 19344-0190. Facility Name: Tel Hai Retirement Community. This existing facility is located in Honey Brook Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Two Log Run, is located in State Water Plan watershed 3-H and is classified for High Quality Waters—Trout Stocking and Mi, 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 0.07 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX
CBOD <sub>5</sub>					
May 1 - Oct 31	4.6	XXX	XXX	7.9	15.8
Nov 1 - Apr 30	9.2	XXX	XXX	15.8	31.6
BOD <sub>5</sub>					
(Influent)	Report	XXX	XXX	Report	XXX
Total Suspended Solids	12.8	XXX	XXX	22	44
Total Suspended Solids					
(Influent)	Report	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	1,000
UV Intensity (%)	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	13.8	XXX	XXX	23.6	47.2
Ammonia-Nitrogen					
May 1 - Oct 31	1.3	XXX	XXX	2.3	4.6
Nov 1 - Apr 30	4.0	XXX	XXX	6.9	13.8
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX
Total Phosphorus					
Apr 1 - Oct 31	0.9	XXX	XXX	1.5	3.0
Nov 1 - Mar 31	0.9	XXX	XXX	2.0	4.0

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

I. Other Conditions

A. No Stormwater

B. Acquire Necessary Property Rights

C. Sludge Disposal Requirement

D. Abandon STP When Municipal Sewers Available

E. Notification of Designation of Operator

F. Water Quality Management permit

G. Remedial Measures if Unsatisfactory Effluent

H. Change in Ownership

I. 2/Month Monitoring Requirement

J. Visual Inspection for Tank Overflows

K. Remove Growth and Debris from Aeration Tank

L. No Debris through Toilets or Drains

M. Maintenance and Logs for Calibration of Meters and Gauges

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

**PA0028614**, Sewage, SIC Code 4952, **Spring City Borough**, 6 S Church Street, Spring City, PA 19475. Facility Name: Spring City Borough STP. This existing facility is located in Spring City Borough, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 based on a design flow of 0.345 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	72	115	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	86	129	XXX	30	45	60
Total Dissolved Solids	Report	Report	XXX	1,000	2,000	2,500
		Daily Max			Daily Max	
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	23	XXX	XXX	8	XXX	16
Nov 1 - Apr 30	34	XXX	XXX	12	XXX	24
Total Phosphorus	5.8	XXX	XXX	2.0	XXX	4.0
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	Report	XXX	XXX
(Year 1)				Daily Max		

The proposed effluent limits for Outfall 001 based on a design flow of 0.61 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine						
(Interim)	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	76	114	XXX	15	22.5	30
Apr 1-30, Nov 1 - Feb 28	127	203	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	102	153	XXX	20	30	45
Total Dissolved Solids	Report	Report	XXX	1,000	2,000	2,500
		Daily Max			Daily Max	
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Aug 31, Oct 1-31	31	XXX	XXX	6	XXX	12
Apr 1-30, Nov 1 - Feb 28	61	XXX	XXX	12	XXX	24

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Total Phosphorus	10	XXX	XXX	2.0	XXX	4.0
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	Report	XXX	XXX
PCBs (Wet Weather) (pg/L) (Year 1)	XXX	XXX	XXX	Daily Max Report Daily Max	XXX	XXX

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

- No Stormwater in Sewers
- Obtain necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Notification of Responsible Operator
- Operations and Maintenance Plan
- Fecal Coliform Reporting
- PCB Monitoring

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**PA0053813**, IW, SIC Code 4226, 5171, **Buckeye Terminals LLC (former permittee: Buckeye Energy Service LLC)**, 5002 Buckeye Road, Emmaus, PA 18049. Facility Name: Macungie BETZM Terminal (1, 2, 3). This existing facility is located in Lower Macungie Township, **Lehigh County**.

Description of Existing Activity: The application is for an NPDES Renewal/Transfer and Amendment to authorize hydrostatic test discharges for an existing discharge of treated industrial wastewater from an existing facility.

The receiving stream(s), Unnamed Tributary to Swabia Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 0.000000 MGD (stormwater only).

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average	Daily Maximum	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	30 Max	XXX
TRPH	XXX	XXX	XXX	15	30 Max	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 101, 102, and 103 are based on a design flow of 0.576 MGD (hydrostatic test discharges only).

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average	Daily Maximum	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine*	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	60
Oil and Grease	XXX	XXX	XXX	Report	XXX	30
Dissolved Iron	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene	XXX	XXX	XXX	Report	XXX	Report
Benzene	XXX	XXX	XXX	Report	XXX	0.0025
Total BTEX	XXX	XXX	XXX	Report	XXX	0.25

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Toluene	XXX	XXX	XXX	Report	XXX	Report
Total Xylenes	XXX	XXX	XXX	Report	XXX	Report

\*If using chlorinated hydrostatic test water.

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

- Necessary property rights; Residuals management, Relationship with WQM Permits; BAT/ELG; Stormwater conditions; Petroleum Bulk Station and Terminal conditions

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.

**PA0034746**, Sewage, SIC Code 5271, 6515, **MHC Li'l Wolf LP**, 2 North Riverside Plaza, Chicago, IL 60606-2682. Facility Name: Li'l Wolf MHP. This existing facility is located in North Whitehall Township, **Lehigh County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Coplay Creek, is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The following effluent limits for Outfall 001 are based on an existing design flow of 0.038 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The following effluent limits for Outfall 001 are based on a proposed design flow of 0.070 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.09	XXX	0.2
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 (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0
Ammonia-Nitrogen						
May 1 - Sept 30	XXX	XXX	XXX	1.09	XXX	2.18
Oct 1 - Apr 30	XXX	XXX	XXX	3.27	XXX	6.54



Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
May 1 - Sept 30	XXX	XXX	XXX	2.0	XXX	4.0
Oct 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0

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.

**PA0020915**, Sewage, SIC Code 4952, **Pine Grove Joint Treatment Authority Schuylkill County**, 115 Mifflin Street, Pine Grove, PA 17963. Facility Name: Pine Grove WWTP. This existing facility is located in Pine Grove Borough, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.75
Influent	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	313	500	XXX	25.0	40.0	50.0
Total Suspended Solids						
Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	375	563	XXX	30.0	45.0	60.0
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo					
Total Nitrogen	XXX	27,397	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen		Total Annual				
Ammonia-Nitrogen						
May 1 - Oct 31	120	180	XXX	9.6	14.4	19.2
Nov 1 - Apr 30	363	XXX	XXX	29.0	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen		Total Annual				
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo 25	37.5	XXX	2.0	3.0	4.0
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	XXX	3,653 Total Annual	XXX	XXX	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
Total Phenolics (Interim)	Report	XXX	XXX	Report	Report Daily Max	XXX
Total Phenolics (Final)	Report	XXX	XXX	0.046	Report Daily Max	0.072

The proposed effluent limits for Outfalls 002 & 003 are based on a design flow of 0.000000 MGD (stormwater only).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Chesapeake Bay Nutrient Requirements; Solids management; Toxic Reduction Evaluation (TRE) for Total Phenolics; Whole Effluent Toxicity Testing; Stormwater; Necessary property rights; residuals management; emergency disinfection; changes to existing discharge/stream condition; High Flow Management Plan

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 not in effect.

**PA0027081**, Sewage, SIC Code 4952, **Lackawanna River Basin Sewer Authority**, P. O. Box 280, Olyphant, PA 18447-0280. Facility Name: LRBSA Clinton Township WWTP. This existing facility is located in Clinton Township, **Wayne County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, the Lackawanna River, is located in State Water Plan watershed 05A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.7 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.9	XXX	2.1
CBOD <sub>5</sub>	146	234 Wkly Avg	XXX	25	40	50
BOD <sub>5</sub> Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	175	263 Wkly Avg	XXX	30	45	60

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	58	XXX	XXX	10	XXX	20

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	12,786	XXX	XXX	XXX
Net Total Phosphorus	Report	1,705	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Requirements
- Combined Sewer Overflows
- Solids Management

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 not in effect.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0265951 A-1**, Industrial Waste, SIC Code 4911, **Old Dominion Electric Cooperative**, 4201 Dominion Boulevard, Glen Allen, VA 23060-6149. Facility Name: Wildcat Point Generation Facility. This proposed facility is located in Fulton Township, **Lancaster County**.

Description of Existing Activity: The application is for an NPDES permit amendment for a new discharge of treated Industrial Waste.

The receiving stream, Susquehanna River, is located in State Water Plan watershed 7-K and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.857 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	Report	110	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	XXX	0.2	0.5
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids						
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Chromium	XXX	XXX	XXX	XXX	0.2	XXX
Total Zinc	XXX	XXX	XXX	XXX	1.0	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Sulfate	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX
Trihalomethanes	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dibromochloromethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX
Bromoform	XXX	XXX	XXX	XXX	Report	XXX
Haloacetic Acids	XXX	XXX	XXX	XXX	Report	XXX
Monobromoacetic acid	XXX	XXX	XXX	XXX	Report	XXX
Monochloroacetic acid	XXX	XXX	XXX	XXX	Report	XXX
Dibromoacetic acid	XXX	XXX	XXX	XXX	Report	XXX
Dichloroacetic acid	XXX	XXX	XXX	XXX	Report	XXX
Trichloroacetic acid	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen Effluent Net	Report Total Mo	Report Total Annual	XXX	Report	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	Report Total Annual	XXX	Report	XXX	XXX

The proposed discharge limits for Outfall 101 are based on an internal flow rate of 0.025 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed discharge limits for Outfall 102 are based on an internal flow rate of 0.296 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

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.

**PA0021849**, Sewage, SIC Code 4952, **Millerstown Municipal Authority Perry County**, PO Box E, 44 North High Street, Millerstown, PA 17062-200. Facility Name: Millerstown STP. This existing facility is located in Greenwood Township, **Perry County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Juniata River, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	20	33	XXX	25	40	50
BOD <sub>5</sub> Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	25	37	XXX	30	45	60

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen Effluent Net	Report	6,697	XXX	XXX	XXX	XXX
		Total Annual				
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus Effluent Net	Report	Report	XXX	XXX	XXX	XXX
		974	XXX	XXX	XXX	XXX
		Total Annual				

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0026484**, Sewage, SIC Code 4952, **Derry Township Municipal Authority Dauphin County**, 670 Clearwater Road, Hershey, PA 17033-2453. Facility Name: Derry Township Clearwater STP. This existing facility is located in Derry Township, **Dauphin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 5.02 MGDs.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	837	1,340	XXX	20	32	40
Nov 1 - Apr 30	1,046	1,674	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	1,256	1,884	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	293	XXX	XXX	7.0	XXX	14
Nov 1 - Apr 30	879	XXX	XXX	21	XXX	42
Total Phosphorus	83	XXX	XXX	2.0	XXX	4.0
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Concentration (mg/l)		
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	91,668	XXX	XXX	XXX
Net Total Phosphorus	Report	12,225	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- The permittee is granted 8,725 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
- Stormwater Requirements
- Pretreatment Program Implementation
- Restrictions on accepting hauled in waste under certain conditions
- High flow management
- WET testing requirements

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.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

**PA0273147**, Sewage, SIC Code 8800, **Judge Thomas C**, 3029 Egypt Hollow Road, Russell, PA 16345. Facility Name: Thomas C Judge SRSTP. This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single residence sewage treatment facility.

The receiving stream, dry/intermittent tributary to Widdlefield Run, is located in State Water Plan watershed 16-B 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 0.0004 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Minimum	Average Monthly	Instant. Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	Report	XXX	XXX
BOD <sub>5</sub>	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	200	XXX	XXX
			Geo Mean		

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

- Septic Tank Pumping requirement
- Abandonment of the Treatment System
- Annual Submittal of an AMR
- Chlorine Minimization requirement

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.

**PA0100277**, Sewage, SIC Code 4952, **North and South Shenango Township Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134-4403. Facility Name: North & South Shenango Joint STP. This existing facility is located in South Shenango Township, **Crawford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage and stormwater.

The receiving stream(s), Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.7 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.36	XXX	1.18
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.17	XXX	0.56
CBOD <sub>5</sub>						
May 1 - Oct 31	212	311	XXX	15	22	30
Nov 1 - Apr 30	354	567	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	425	638	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	85	XXX	XXX	6	XXX	12
Nov 1 - Apr 30	155	XXX	XXX	11	XXX	22
Total Phosphorus	14	XXX	XXX	1.0	XXX	2.0

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

- Other Requirements
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements for Total Residual Chlorine (TRC)
- Requirements Applicable to Stormwater Outfalls

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 not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Northwest Region: Clean Water Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG028316 A-1**, Sewage, **Pleasant Township**, 8 Chari Lane, Warren, PA 16365.

This existing facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Upgrade to existing pump station.

**WQM Permit No. WQG01371501**, Sewage, **William S. Morrison**, 35 Glenbrook Drive, Grove City, PA 16127.

This proposed facility is located in Pulaski Township, **Lawrence County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

### 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
PAI010915007	Kinder Morgan 1000 South Port Road Fairless Hill, PA 19030	Bucks	Falls Township	Delaware River WWF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515023	East Vincent Township 262 Ridge Road Spring City, PA 19475	Chester	East Vincent Township	Tributary to French Creek HQ-TSF
PAI011515021	David A. Burt 542 Glass Avenue Spring City, PA 19475	Chester	East Vincent Township	Stony Run HQ-TSF-MF
PAI011515024	Riehl Land LP 595 Mount Pleasant Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023915019	Gavin Herber Cloverleaf Plaza, LLC 327 Star Road Allentown, PA 18106	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)
PAI023912012(1)	Kenneth Schoch Nestle Purina Petcare 2050 Pope Road Allentown, PA 18104	Lehigh	South Whitehall Township	UNT to Jordan Creek (HQ-CWF, MF)
PAI023915020	Tom Gombos Mack Trucks, Inc. 7000 Alburtis Road Macungie, PA 18062-9631	Lehigh	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)
PAI023915014	Bruce Fosselman Lower Macungie Township 6235 Hamilton Boulevard Suite 100 Wescosville, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510012(2)	CB H20, LP P. O. Box 168 Tannersville, PA 18372	Monroe	Pocono Township	UNT to Pocono Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032115004	PPG Industries, Inc. 400 Park Drive Carlisle, PA 17015-9271	Cumberland	South Middleton Township	Yellow Breeches/HQ-CWF
PAI033615008	Kenneth Steele 227 Green Lane Quarryville, PA 17566	Lancaster	Little Britian	Reynolds Run/ HQ-CWF McCreary Run/HQ-TSF
PAI033615009	C Dale Bollinger 107 Center Road Quarryville, PA 17566	Lancaster	East Drumore	POI-A UNT to Conowingo Creek/HQ-CWF

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050415001	Department of General Services 18th and Herr Streets, Harrisburg, PA 17125	Beaver County	Chippewa Township	UNT North Fork Little Beaver Creek (HQ-CWF)



---

**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.*

**PAG123700**, CAFO, **Richard Rutt Farm**, 375 Nissley Road, Mount Joy, PA 17552.

This existing facility is located in East Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 455.67 AEU's.

The receiving stream, UNT Donegal Creek, is in watershed 7-G, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-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.

**PAG123543**, CAFO, **Alan Harnish Farm**, 3425 Blue Rock Road, Lancaster, PA 17603.

This existing facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 572.92 AEU's.

The receiving stream, West Branch Little Conestoga Creek, is in watershed 7-J, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-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.

**PAG123585**, CAFO, **Breneman Swine Farm**, 774 Bunker Hill Road, Strasburg, PA 17579.

This existing facility is located in Strasburg Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 405.04 AEU's.

The receiving stream, Little Beaver Creek, is in watershed 7-K, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-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.

**PAG123635**, CAFO, **Bleacher Farms**, 2794 Safe Harbor Road, Millersville, PA 17551.

This existing facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 459.9 AEU's.

The receiving stream, Indian Run, is in watershed 7-J, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-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.

**PAG123637**, CAFO, **Jay L. Bleacher Farm**, 1173 Breneman Road, Conestoga, PA 17516.

This existing facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 583.27 AEU's.

The receiving stream, Indian Run, is in watershed 7-J, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-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.

**PAG123708**, CAFO, **Snider Swine Farm**, 22357 Mountain Foot Road, Neelyton, PA 17239.

This proposed facility is located in Dublin Township, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: 1,208.02 AEU's.

The receiving stream, UNT Shade Creek, is in watershed 12-C, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-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>
R&L Farms 1118 Luxemburg Rd Lykens, PA 17048	Dauphin	26.2	491.4	Layers and Sheep	NA	Renewal
James Schwalm 351 Bastian Rd Halifax, PA 17032	Dauphin	166.9	718.82	Swine and Beef	NA	New

### PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Central Office: Bureau Director, Bureau of Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996576]**, Public Water Supply.  
 Applicant **[Ice River Springs Water Company, Inc.]**  
 [Township or Borough] [Pittsfield, Massachusetts ]  
 Responsible Official [Alexandra Gott]  
 Type of Facility [Out of State Bottled Water System]  
 Application Received Date [September 14, 2015]  
 Description of Action [Applicant requesting a permit amendment to approve a distilled water product for sell in Pennsylvania. Bottled water to be sold in Pennsylvania under the brand names: Ice River Springs Natural Spring Water, Ice River Green Distilled water and America's Choice Distilled Water.]

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2115513**, Public Water Supply.  
 Applicant **Shippensburg Borough Authority**  
 Municipality Southampton Township  
 County **Franklin**  
 Responsible Official John Eply, Borough Manager  
 111 North Fayette Street  
 PO Box 129  
 Shippensburg, PA 17257-2147  
 Type of Facility Public Water Supply  
 Consulting Engineer Daniel S. Hershey  
 Rettew Associates Inc  
 3020 Columbia Avenue  
 Lancaster, PA 17603  
 Application Received: 9/14/2015  
 Description of Action Well No. 2 facility improvements and addition of an on-site sodium hypochlorite generation system.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0215524**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] Claysville Borough  
 Responsible Official David R. Kaufman, Vice President—Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Pittsburgh water system  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Application Received Date September 8, 2015  
 Description of Action Installation of a mixing system at the Claysville water storage tank.

**Permit No. 2615507**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] South Union Township  
 Responsible Official David R. Kaufman, Vice President—Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Uniontown water system  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Application Received Date September 8, 2015  
 Description of Action Installation of a mixing system at the Hopwood water storage tank.

**Permit No. 3215510**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] Center and Green Townships  
 Responsible Official Michael Duffalo, Executive Director  
 Indiana County Municipal Services Authority  
 602 Kolter Drive  
 Indiana, PA 15701  
 Type of Facility Cherry Tree water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date September 17, 2015  
 Description of Action Relocation of potassium permanganate feed and installation of approximately 1,860 feet of 8-inch diameter waterline.

**Permit No. 3215511**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] Center and Green Townships

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Heilwood water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date September 17, 2015

Description of Action Upgrades to the Heilwood water treatment plant.

**Permit No. 3215512**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Center and Green Townships

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Heilwood water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date September 17, 2015

Description of Action Construction of the Penn Run area water storage tank with a mixing system.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Application No. 5613508GWR-A1, Minor Amendment.**

Applicant **HiTop, LLC**  
PO Box 1180  
Chambersburg, PA 17201

[Township or Borough] Somerset Township

Responsible Official Tom Mangold, Manager  
HiTop, LLC  
PO Box 1180  
Chambersburg, PA 17201

Type of Facility Water system

Consulting Engineer T3 Global Strategies, Inc.  
10 Emerson Lane  
Suite 808  
Bridgeville, PA 15017

Application Received Date August 27, 2015

Description of Action Amended demonstration of 4-log treatment for groundwater sources.

**Permit No. 3215513MA, Minor Amendment**

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Center and Green Townships

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Heilwood water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date September 17, 2015

Description of Action Installation of approximately 83,600 feet of 6-inch and 8-inch diameter waterline and appurtenances.

**Permit No. 3211503GWR-A1, Minor Amendment**

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Pine Township

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Heilwood water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date September 17, 2015

Description of Action Amended demonstration of 4-log treatment for groundwater sources.

**Permit No. 0215525MA, Minor Amendment**

Applicant **Borough of Tarentum**  
318 2nd Avenue  
Tarentum, PA 15084

[Township or Borough] Tarentum Borough

Responsible Official Michael Gutonski, Borough Manager  
Borough of Tarentum  
318 2nd Avenue  
Tarentum, PA 15084

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date September 17, 2015

Description of Action Painting of the interior and exterior of the Tarentum #3 water storage tank.

**Permit No. 3015509MA, Minor Amendment**

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] German Township

Responsible Official John Golding, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date September 21, 2015

Description of Action Installation of approximately 1,732 feet of 8-inch diameter waterline and appurtenances (SR 166 Little Cleveland Area waterline project).

**Permit No. 3015510MA, Minor Amendment**

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] Richhill Township

Responsible Official John Golding, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date September 21, 2015

Description of Action Installation of approximately 3,246 feet of 12-inch diameter waterline and a meter vault (SR 21 waterline to West Virginia state line project).

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Application No. 6113502-MA1, Minor Amendment.**

Applicant **City of Oil City**

Township or Borough Oil City

Responsible Official Mark G. Schroyer

Type of Facility Public Water Supply

Consulting Engineer Ms. Christina J. Sporer, P.E.  
City of Oil City  
21 Seneca Street  
Oil City, PA 16301

Application Received Date September 8, 2015

Description of Action Reconditioning the interior and exterior of Sage Run Tanks, interior and exterior of VoTech Tanks, exterior of Hogback Tank and interior and exterior of West End Tank, along with safety and compliance improvements.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period

for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Jackson Street Park Project**, 912 Jackson Street, City of Allentown, **Lehigh County**. Langan Eng. and Env. Services, River Drive Center 1, 619 River Drive, Elmwood Park, NJ 07407-1338, on behalf of City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Contamination is due to historical operations at the site. The proposed future use of the property will be a public park. The Notice of Intent to Remediate was published in *The Morning Call* on June 18, 2015.

**Ace Robbins, Inc.**, Sunshine Road, Tunkhannock Township, **Wyoming County**. James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407, on behalf of Datom Products, Inc., 113 Monahan Avenue, Dunmore, PA 18512, submitted a Notice of Intent to Remediate. The site previously contained an aboveground bulk petroleum facility. The site has been found to be contaminated with gasoline and diesel fuel, which has contaminated soil on the site. The proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in *The Wyoming County Press Examiner* on September 2, 2015.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Steico, Inc. Property/DC Goodman & Sons Release**, 5538-5608 Sixth Avenue, Altoona, PA 16602, City of Altoona, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16602, on behalf of Steico, Inc., 5700 Sixth Avenue, Altoona, PA 16602, and DC Goodman & Sons, Inc., PO Box 554, Huntingdon, PA 16652, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with hydraulic fluid released in a vehicle accident. The site will be remediated to the Nonresidential Statewide Health Standard. Future use of the site remains nonresidential for commercial use. The Notice of Intent to Remediate was published in the *Altoona Mirror* on September 2, 2015.

**Suburban Heating Oil Partners Lewistown**, 115 Kish Pike, Lewistown, PA 17044, Derry Township, **Mifflin County**. CEMATS, PO Box 68, Canastota, NY 13032, on behalf of Suburban Heating Oil Partners, 5793 Widewaters Parkway, Suite 100, PO Box 4833, Syracuse, NY, 13221-4833, submitted a Notice of Intent to Remediate site soils and groundwater contaminated by petroleum products. The site will be remediated to a combination of the Nonresidential Statewide Health and Site Specific Standards. Future use of the site remains commercial. The Notice of Intent to Remediate was published in *The Sentinel* on July 23, 2015.

**RTV Trucking/Zitrick Property**, 546 Grings Hill Road, Sinking Spring, PA 19608, Spring Township, **Berks County**. REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, on behalf of RTV Trucking, Inc., 1821 Powder Mill Road, Silver Spring, MD 20903; Richard Zitrick, 546 Grings Hill Road, Sinking Spring, PA 19608; and Erie Insurance, PO Box 4158, Hagerstown, MD 21740, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel released from a truck's saddle tank. The site will be remediated to the Residential Statewide Health Standard. Future use of the site remains residential. The Notice of Intent to Remediate was published in the *Reading Eagle* on July 15, 2015.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Vista Resources Pleasantville Release**, Neiltown Road, Harmony Township, **Forest County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Vista Resources, Inc., 61 McMurray Road, Pittsburgh, PA 15241, submitted a Notice of Intent to Remediate. On January 2, 2015, and February 11, 2015, releases occurred that resulted in crude oil and brine impacting site soil and groundwater. Anticipated future use of the property will be commercial. The Statewide Health Standard has been selected for remediation. The Notice of Intent to Remediate was published in *The Titusville Herald* on July 27, 2015.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Colonial Manor Road, LLC (former QPX Metals Facility)**, 381 Colonial Manor Road, North Huntingdon Township, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry, Twp., PA 16066 on behalf of Colonial Manor Road, LLC., P. O. Box 1046, Wooster, OH 44691 has submitted a Notice of Intent to Remediate to meet a combination of Statewide Health and Site Specific standards concerning site soils contaminated with cadmium, lead and arsenic and groundwater contaminated with chlorinated volatile organic compounds. Notice of the NIR was published in the *Tribune-Review* on September 2, 2015.

**Vantage Energy Appalachia—Porter Street Well Pad Impoundment**, 390 Valley Farm Road, Franklin Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Vantage Energy Appalachia, LLC, 116 Inverness Drive East, Suite 107, Englewood, CO 80112 has submitted a Notice of Intent to Remediate to meet a combination of Statewide Health and Site Specific standards concerning site soils and groundwater contaminated with chloride, volatile and semi-volatile organic compounds (VOCs & SVOCs), metals, and strontium from leakage of the

former impoundment. The NIR indicated the future use land use of the property would be nonresidential. Notice of the NIR was published in the *Greene County Messenger* on August 8, 2015.

#### MUNICIPAL WASTE GENERAL PERMIT

**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application Number WMGM028D004. Granger Energy of Honey Brook, LLC, 16980 Wood Road, Lansing, MI 48906-1044.**

General Permit Number WMGM028D004 is for the processing and beneficial use of landfill gas (LFG), generated at the Lanchester Landfill, located in Caernarvon Township, **Lancaster County**, for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity. The general permit application was determined to be administratively complete by Central Office on August 18, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM028D004" 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.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR024R001. Marpac Corp., 394 Amsterdam Road, P. O. Box 84, Grove City, PA 16127.** This general permit application is for the processing of spent mineral spirit solvent with a flash point equal to or greater than 140 degrees and the reuse of the processed solvent by generators who produce the spent solvent. The spent solvent must be generated from cleaning grease, oil and dirt from automotive or

machinery parts. The application was determined to be administratively complete by Central Office on September 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR024R001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00049B: Alpaca Energy, LLC** (6051 Wallace Road Extension, Suite 100, Wexford, PA 15090) for the construction of three (3) 9,708 bhp (7.2 MWs) 4 stroke, lean burn Rolls Royce Bergen B-35:40-V16AG-2 natural gas-fired engine/generator sets, each equipped with both catalytic oxidation and selective catalytic reduction (SCR), at the proposed electric generating station located in Canton Township, **Bradford County**. The facility will also include one (1) 0.64 MMBtu/hour natural gas-fired natural gas line heater; three (3) storage tanks ranging in size from 2,600 gallons to 6,000 gallons; one (1) desiccant dehydration system; various fugitive emissions. On October 8, 2014, the Department issued Plan Approval 08-00049A for sources at this electric generating station. In that application, five (5) 6,023 bhp Jenbacher natural gas-fired engine/generator sets were approved. These engines were never constructed. The Rolls Royce Bergen engines proposed in this application will take the place of the originally proposed Jenbacher engines.

The Department of Environmental Protection's (Department) review of the information submitted by Alpaca Energy, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Sections 63.6580-63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Sections 60.4230—60.4248, the Mandatory Greenhouse Gas Reporting Rule, 40 CFR Part 98, 25 Pa. Code Chapter 123 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 construction.

The emissions from each proposed engine included in this project will not exceed the following limits: 0.058 g/bhp-hr and 5.44 TPY NO<sub>x</sub>, 0.114 g/bhp-hr and 10.69 TPY CO, 0.037 g/bhp-hr and 3.47 TPY VOCs, 0.0006 lb/MMBtu and 0.13 TPY SO<sub>x</sub>, 0.050 g/bhp-hr and 4.67 TPY PM/PM<sub>10</sub>/PM<sub>2.5</sub>, 0.0009 g/bhp-hr and 0.84 TPY formaldehyde, 10 ppmvd at 15% O<sub>2</sub> ammonia; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: performance testing requirement for all engines to verify compliance with the emissions limitations; establish a facility-wide leak detection and repair (LDAR) program to account for fugitive emissions from high pressure connections; restrict the engines to natural gas firing only; in addition to performance testing, establish follow-up portable analyzer testing for NO<sub>x</sub> and CO for all engines every 2,500 hours of operation.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 08-00049B, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. 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: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**PA-03-00244A:** In accordance with 25 Pa. Code §§ 127.44—127.46, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval to **Dominion Transmission, Inc. (DTI)** (5000 Dominion Boulevard, Glen Allen, VA 23060) to authorize the construction and operation of a Solar Turbine, an oxidation catalyst, and a hot water boiler as well as the continued operation of the previously installed sources at their existing Rural Valley Compression Station located in Valley Township, **Armstrong County**.

Air contamination sources proposed for this project will include one (1) Solar Taurus 70-10802S Turbine rated at 10,915 bhp controlled by one (1) oxidation catalyst, and one (1) hot water boiler rated at 3.5 MMBtus/hr. The NO<sub>x</sub> emissions from Solar Turbine will be controlled by a SoLoNO<sub>x</sub> burner and NMNEHC, CO, and HCHO emissions will be controlled by a catalytic oxidation system.

The project will result in a modification of the existing facility with a net facility wide emission increase of 1.3 tpy of VOC, 1.7 tpy of CO, 21.0 tpy of NO<sub>x</sub>, 5.0 tpy of PM, 0.2 tpy of HAP, 0.1 tpy of HCHO, and 55,253 tpy of GHG. Upon authorization of this plan approval the facility potential to emit will not exceed 49.3 tons of VOC, 51.0 tons of NO<sub>x</sub>, 13.7 tons of CO, 8.0 tons of PM<sub>10</sub>, 1.0 tons of SO<sub>x</sub>, 6.1 tons of HAP, and 2.9 tons of HCHO on an annual



basis. The proposed sources are subject to the best available technology (BAT). The proposed source is also subject to applicable new source performance standard requirements of 40 CFR Part 60 Subpart KKKK and 25 Pa. Code Chapter 121—145. The proposed Plan Approval includes a limitation on potential emissions, hours of operation, as well as LDAR, monitoring, record keeping, reporting, work practice, and performance testing requirements.

Previously installed equipment includes one (1) Cat G3606 engine rated at 1,775 bhp and controlled by an oxidation catalyst, one (1) Cat 3612 engine rated at 3,550 bhp and controlled by an oxidation catalyst, one (1) Cat G3412 emergency engine rated at 690 bhp and controlled by an oxidation catalyst, one (1) Natco glycol dehy attached to a reboiler rated at 0.275 MMBtu/hr, a thermal oxidizer rated at 4.0 MMBtus/hr, and one (1) Storage tank.

A person may oppose the proposed plan approval by filing a written protest with the Department through Jesse Parihar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Written comments may also be submitted via the same methods. 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-03-00244A), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

DTI's 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 Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the DTI 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 Phil Bouse at pbouse@pa.gov or 412.442.4000.

All comments must be received prior to the close of business 30 days after the date of this publication.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00009: The Boeing Company—Philadelphia** (PO Box 16858 Philadelphia, PA 19142-0858) for renewal of the Title V Operating Permit for its Ridley Park Pennsylvania Facility, an aerospace fabrication and repair facility located in Ridley Township, **Delaware County**. The renewal will also include the incorporation of Plan Approvals 23-0009G, 23-0009H and 23-0009F.

**23-00045: Sunoco Partners Marketing & Terminals, L.P. Twin Oaks.** (4041 Market Street, Aston, PA 19014), located in Upper Chichester Township, **Delaware County**. This action is for the renewal of a Title V Operating Permit. The facility is primarily involved in

Petroleum bulk stations and terminals. Sunoco operates gasoline loading racks, fuel oil loading racks and storage tanks. The permit contains all applicable requirements including monitoring, recordkeeping and reporting.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**38-05017: Greater Lebanon Refuse Authority** (1610 Russell Road, Lebanon, PA 17046-1437) for operation of a municipal solid waste landfill in North Lebanon Township, **Lebanon County**. Actual emissions from the facility in 2014 were estimated at 0.25 ton CO, 0.13 ton NO<sub>x</sub>, 0.06 ton PM, 0.07 ton SO<sub>x</sub>, and 5.60 tons VOC. The Title V 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 40 CFR 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**54-00057: Reading Anthracite, Co.** (116 Connorton Road, Girardville, PA 17935) The Department intends to issue a State-Only Operating Permit for the operation of an anthracite mining facility in Butler Township, **Schuylkill County**. The sources consist of two (2) crushers and associated conveyors. The particulate emissions are controlled by water sprays. This is a renewal of a State-Only Operating Permit. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**39-00014: PA DHS/Allentown State Hospital** (1600 Hanover Avenue, Allentown, PA 18109-2498) for Psychiatric and Substance Abuse Hospital in City of Allentown, **Lehigh County**. The sources consist of one (1) Superior Boiler rated at 30 MMBtus/hr. using #2 ULS fuel oil and four (4) emergency generators. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO); total suspended particulate (TSP) and VOC's. This is a new State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and Federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**06-05061: Cambridge-Lee Industries, LLC** (P. O. Box 14026, Reading, PA 19612-4026) to issue a State Only Operating Permit for the copper tubing production facility located in Ontelaunee Township, **Berks County**. The

actual emissions from the facility in 2014 year were 14.3 tons of CO, 18.9 tons of NO<sub>x</sub>, 3.8 tons of PM<sub>10</sub>, 0.1 ton of SO<sub>x</sub> and 35.6 tons of VOC. 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 40 CFR 60 Subpart III and 40 CFR 63 Subpart CCCC.

**28-05034: Grove US LLC** (1565 Buchanan Trail East, Shady Grove, PA 17256) to issue a State Only Operating Permit for their chrome electroplating facility in Quincy Township, **Franklin County**. Chrome plating activities are subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants for Source Categories which restricts chromium emissions to 0.015 milligram per dry standard cubic meter of exhaust air volume as verified by stack testing. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**OP-30-00067: Jefferson-Morgan School District** (1351 Jefferson Rd., Box 158, Jefferson, PA 15344) to issue a Natural Minor State Only Operating Permit renewal for the Jefferson-Morgan Elementary and Jr/Sr High Schools in Jefferson Boro, **Greene County**. Equipment at the elementary school includes two CNB 4.3 mmbtus/hr natural gas-fired boilers and an Onan natural gas-fired emergency generator. Equipment at the Jr/Sr high school includes three 1.75 mmbtu/hr RBI low-NO<sub>x</sub> natural gas-fired boilers, a Kohler 30 kW natural gas-fired emergency generator, and two 0.5 mmbtu/hr Lochinvar low-NO<sub>x</sub> natural gas-fired hot water heaters. Potential emissions from the sources at this facility in any consecutive 12 month period in the boilers are estimated to be 6.4 tons NO<sub>x</sub>, 0.4 ton VOCs, 5.4 tons CO, and 0.5 ton particulate matter. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00380: Mountain Gathering LLC, Jefferson Compressor Station** (910 Saxonburg Road, Butler, PA) for a Natural Minor Permit to operate a natural gas compressor station located in Jefferson Township, **Butler County**. The primary emissions are from the eight 1,775 Hp compressor engines at the facility.

Construction of this facility was authorized by Plan Approval Number: 10-0380C which was issued on December 13, 2013. The conditions from that plan approval have been incorporated into the Synthetic Minor Operating Permit. This plan approval contained a facility wide VOC emission limit of 38 tons per year.

Additional equipment was installed under General Plan Approval Number GP-10-00380 which was issued on July 29, 2014. This additional equipment has the potential to

produce an additional 7.35 tons per year of VOC emissions which increases the facility wide VOC emission limit to 45.35 tons per year.

Sources at this facility are subject to the following Federal emission standards:

- 40 CFR 60, Subpart JJJJ—Standards of performance for stationary spark ignition internal combustion engines.
- 40 CFR 60, Subpart OOOO—Standards of performance for crude oil and natural gas production, transmission and distribution.
- 40 CFR 63, Subpart HH—National emission standards for hazardous air pollutants from oil and natural gas production facilities.

The latest version of these subparts have been attached to the appropriate sources.

The potential emissions from this facility are as follows. (All values are in tons/year.) PM<sub>10</sub>/PM<sub>2.5</sub> = 5.61, SO<sub>x</sub> = 0.33, NO<sub>x</sub> = 74.78, VOC = 45.35, CO = 38.89, CO<sub>2e</sub> = 62,171.66, HAPs = 4.92.

**43-00364: Combined Systems, Inc.**, (388 Kinsman Road, Jamestown, PA 16134), to issue a new State Only Operating Permit for their CS manufacturing operations in Greene Township, **Mercer County**. The facility is a Natural Minor. Potential emissions are estimated as follows: NO<sub>x</sub>, less than 1 tpy; CO, less than 1 tpy; VOC, 6.22 tpy; SO<sub>2</sub>, less than 1 tpy; PM, less than 1 tpy; and all combined HAPs, 1.01 tpy. The primary sources at the facility are a mixing operation, granulation & sieving operation, pelletizing, component cleaning, a 1600 cfm paint booth, an indoor test chamber, and an outdoor test chamber. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**48-00104B: Kranos Corp d.b.a. Schutt Reconditioning** (610 Industrial Drive South Litchfield, IL 62056) for their facility in Palmer Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Kranos Corp d.b.a. Schutt Reconditioning (610 Industrial Drive South, Litchfield, IL 62056) for their facility in Palmer Township, Northampton County. This Plan Approval No. 48-00104B will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No.48-00104B is for the operation of an existing buffing process and one (1) cyclone dust collector. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month

rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM emissions. These limits will meet BAT requirements for this source. The company shall also be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. 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.: 48-00104B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, 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*

**32743710 and NPDES No. PA0214884. Helvetia Coal Company**, (PO Box 219, 400 Overview Drive, Shelocta, PA 15774). To renew the permit for the Refuse Disposal Area No. 1 in Center Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 16, 2015. Application received October 15, 2014.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33100103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Corsica Borough & Union Township, **Jefferson County**, affecting 28.5 acres. Receiving streams: Welch Run, classified for the following uses: CWF. There are no potable surface water intakes within 10 miles downstream. This application is for reclamation only. Application received: September 14, 2015.

**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, all classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 28, 2015.

**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, all

classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: August 28, 2015.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**02-03-02 and NPDES Permit No. PA0250473. Collier Land & Coal Development** (One 8th Street, Brad-dock, PA 15104). Application for continued operation and restoration to an expired Government Financed Contractual Contract and NPDES renewal, located in Collier Township, **Allegheny County**, affecting 13.9 acres. Receiving streams: unnamed tributaries to Robinson Run and Robinson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 10, 2015.

**26090106 and NPDES Permit No. PA0251844. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclama-tion only to an existing bituminous surface mine, located

in Springfield Township, **Fayette County**, affecting 194 acres. Receiving streams: unnamed tributaries to Indian Creek and Indian Creek, 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: September 18, 2015.

**63100101 and NPDES Permit No. PA0251933. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Renewal application for reclama-tion only to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 293 acres. Receiving streams: unnamed tributaries to Center Branch Pigeon Creek, Pigeon Creek and South Branch Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 8, 2015.

*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.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**24050301. North Star Aggregates, Inc.** (P. O. Box 51, Penfield, PA 15849) Renewal of NPDES Permit No. PA0257974 in Horton Township, **Elk County**. Receiving streams: Johnson Run and Oyster Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 14, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 7473SM2A1C24 and PA0118460. Hercules Cement Co., LP d/b/a Buzzi Unicem USA**, (PO Box 69, Stockertown, PA 18083), correction to an existing quarry to update the permit boundary from 301.3 acres to 298.3; increase the depth of mining and a stream encroachment within 100 feet of Schoeneck Creek in Upper Nazareth and Palmer Townships, **Northampton County**, receiving streams: Bushkill Creek, classified for the following uses: HQ—cold water & migratory fishes and Schoeneck Creek, classified for the following uses: warm water & migratory fishes. Application received: September 14, 2015.

**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.

#### *Noncoal NPDES Draft Permits*

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**NPDES No. PA0591688 (Mining permit no. 3374SM58), Coolspring Mining, Inc.**, P. O. Box 1328, Uniontown, PA 15401, renewal NPDES permit for a large noncoal surface mine in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving stream(s): Coolspring Run (WWF) and Coolspring Run (WWF) to Shutes Run (WWF) to Cove Run (WWF) to Redstone Creek (WWF & TMDL) to the Monongahela River, classified for the following use(s): WWF and TMDL. This receiving stream is included in the Redstone Creek TMDL. Application received: March 16, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The stormwater outfall(s) listed below discharge to Coolspring Run (WWF).

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001(A)	N	E&S
003(C)	N	E&S
004(D)	N	E&S
005(E)	N	E&S
006(F)	N	E&S
007(G)	N	E&S

The proposed effluent limits for the above listed outfall(s) are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event.

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity 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

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E19-309. Bloomsburg Fair Association**, 620 W 3rd Street, Bloomsburg, PA 17815. Disabled Vehicle Lot and Helicopter Pad, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quad-range Latitude: 40°59'34"; Longitude: 76°28'16.8").

To construct, operate and maintain a disabled vehicle storage area located just north of the Fort McClure Blvd intersection at the eastern side of the existing parking lot. Eight stalls will be surrounded by a 28 Ft by 72 Ft security fence with associated gates. This permit also authorizes a helicopter pad 45 Ft by 40 feet across. To provide a level area for the concrete pad 240 cubic yards of fill shall be placed to a maximum depth at the center of the pad approximately 2 feet. For security reasons a 111 Ft by 186 Ft perimeter fence will be installed with associated gates for access. Both of these projects are located in the floodway of Fishing Creek which carries a water quality designation of Warm Water Fishery. This project is located along the North East side of West Fort McClure Boulevard 0.4 mile south of the intersection with T-409. This permit was issued under Section 105.13(e) "Small Projects."

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**E03-465, Cowanshannock Township Supervisors**, PO Box 137, Numine, PA 16244, Cowanshannock Township, **Armstrong County**, ACOE Pittsburgh District.

The applicant is proposing to remove the existing 21' long, 20' wide, 5.75' underclearance, single span, TR 720, Hoosicks single span bridge; construct and maintain a new 26.5' long, 22' wide, 6.5' underclearance, 1' depressed box culvert on the South Branch Cowanshannock Creek (WWF) with a drainage area of 3.2 square miles; fill and maintain 96 feet and 190 feet of two unnamed tributaries to South Branch Cowanshannock Creek (WWF) with drainage areas less than 100 acres and construct and maintain 99 foot and 190 foot long replacement channels; and temporarily impact 268 feet of stream for construction. The project is located south of the SR 85

and TR 720 intersection (Plumville PA Quadrangle; N: 7.75 inches; W: 4.5 inches; Latitude 40° 48' 0"; Longitude -79° 13' 56") in Cowanshannock Township, Armstrong County.

**E11-353, PennDOT District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, West Taylor Township, **Cambria County**, ACOE Pittsburgh District.

The applicant is proposing to remove the existing SR 3041, 33.8 foot wide, 68 foot total span, 3.32 ft underclearance two span bridge over Taylor Run (HQ-CWF) with a drainage area of 13.9 square miles and construct and maintain a 46 foot wide, 68 foot span, 3.35 foot underclearance, single span replacement bridge in the same location; in addition, construct and maintain associated stormwater outfalls, and temporarily impact 140 foot of stream for the purpose of constructing these encroachments.

The project is located in West Taylor Township, PA approximately one half mile northeast of the City of Johnstown's northern limit (Johnstown Quadrangle; N: 21.4 inches; W: 8.5 inches; Latitude 40° 35' 12"; Longitude -80° 2' 44") in Cambria County.

**E65-974, PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, East Huntingdon Township, **Westmoreland County**, ACOE Pittsburgh District.

The applicant is proposing to:

1. Place and maintain fill in 100 feet of a UNT to Sherrick Run (WWF) with a drainage area less than 100 acres; construct and maintain a 95 foot long replacement channel;

2. Place and maintain fill in 117 feet of a second UNT to Sherrick Run (WWF) with a drainage area less than 100 acres; construct and maintain a 113 foot long replacement channel;

3. Remove the existing SR 0119 126 foot long 36" RCP culvert carrying a third UNT to Sherrick Run (WWF) with a drainage area less than 100 acres; construct and maintain a replacement 142 foot long 36" RCP culvert in the same location;

4. Remove the existing SR 0119 142 foot long 54" CTC culvert carrying a fourth UNT to Sherrick Run (WWF) with a drainage area of 120 acres; construct and maintain two parallel replacement 144 foot long 38" by 60" RCP culverts in the same location; place and maintain fill in 60 feet of the same UNT to Sherrick Run immediately upstream of the proposed culverts; construct and maintain a 55 foot long replacement channel;

5. Remove the existing SR 0119 102 foot long 48" RCP culvert carrying a fifth UNT to Sherrick Run (WWF) with a drainage area of 131 acres; construct and maintain a replacement 123 foot long 53" by 83" RCP culvert in the same location;

6. Remove the existing SR 0119 115 foot long 36" RCP culvert carrying a sixth UNT to Sherrick Run (WWF) with a drainage area of 114 acres; construct and maintain a replacement 147 foot long 53" by 83" RCP culvert in the same location;

7. Remove the existing SR 0119 91 foot long 15" RCP culvert carrying a seventh UNT to Sherrick Run (WWF) with a drainage area of less than 100 acres; construct and maintain a replacement 91 foot long 18" RCP culvert in the same location; place and maintain fill in 315 feet of the same UNT to Sherrick Run; construct and maintain a 315 foot long replacement channel;

8. Place and maintain fill in 0.13 acre of PEM/PSS/PFO wetlands; construct and maintain associated stormwater outfalls; and temporarily impact 0.50 acre of wetland and 1,555 feet of stream for the purpose of constructing these encroachments.

Stream mitigation will occur offsite on Jacobs Creek (WWF) in Mount Pleasant and Bullsken Township in Westmoreland and Fayette Counties (Mount Pleasant, PA Quadrangle, North 1.9 inches and West 1.75 inches; Latitude 40° 8' 14" and Longitude -79° 30' 36"). Wetland mitigation will occur offsite at the Jacobs Creek Advanced Wetland Compensation site in Bullsken Township, Fayette County (Mount Pleasant, PA Quadrangle, North 0.25 inches and West 2.5 inches; Latitude 40° 8' 6.5" and Longitude -79° 30' 37"). These encroachments are associated with the SR 0119 widening and upgrade project, located 1.0 mile west of Mount Pleasant, PA (Beginning Mount Pleasant, PA Quadrangle, North 11.2 inches and West 9.5 inches; Latitude 40° 11' 10" and Longitude 79° 34' 5"; ending Connellsville, PA Quadrangle, North 22.25 inches and West 7.75 inches; Latitude 40° 7' 27" and Longitude 79° 33' 21") in East Huntingdon Township, Westmoreland County.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-050: Southwestern Energy Production Company, LLC**, 917 State Route 92 North, Tunkhannock, PA, 18657, Liberty and Hamilton Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a coffer dam obstructing 2/3 of the river at a time, and a 10 inch diameter waterline, impacting 2,444 square feet of a palustrine emergent (PEM) wetland and 60 linear feet of the Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'33"N, 77°02'54"W);

2) A 10 inch diameter waterline impacting 44 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'27"N, 77°03'05"W);

3) A temporary road crossing using timber mats and a 10 inch diameter waterline impacting 25 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N, 77°03'22"W);

4) A 10 inch diameter waterline impacting 16 linear feet of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'45"N, 77°03'47"W);

5) A temporary road crossing using timber mats and a 10 inch diameter waterline impacting 25 linear feet of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'43"N, 77°03'48"W);

6) A 14 inch diameter HDPE waterline impacting 28 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°38'13"N, 77°04'13"W);

7) A 14 inch diameter HDPE waterline impacting 20 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°38'04"N, 77°04'17"W);

8) A 14 inch diameter HDPE waterline impacting 15 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'59"N, 77°04'15"W);

9) A 14 inch diameter HDPE waterline impacting 18 linear feet of Long Run (CWF) (Blossburg, PA Quadrangle 41°37'57"N, 77°04'16"W);

10) A 14 inch diameter HDPE waterline impacting 11 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'54"N, 77°04'19"W);

11) A 14 inch diameter HDPE waterline impacting 24 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'52"N, 77°04'26"W);

12) A 12 inch diameter HDPE waterline impacting 43 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'50"N, 77°04'30"W);

13) A 12 inch diameter HDPE waterline impacting 21 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'50"N, 77°04'34"W);

14) A 12 inch diameter HDPE waterline impacting 16 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°37'49"N, 77°04'39"W);

15) A 12 inch diameter HDPE waterline impacting 16 linear feet of an unnamed tributary to Bellman Run (CWF) (Liberty, PA Quadrangle 41°37'29"N, 77°05'06"W);

16) A 12 inch diameter HDPE waterline impacting 19 linear feet of an unnamed tributary to Bellman Run (CWF) (Liberty, PA Quadrangle 41°37'24"N, 77°05'08"W);

17) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 25 linear feet of an unnamed tributary to Bellman Run (CWF) (Liberty, PA Quadrangle 41°37'12"N, 77°05'25"W);

18) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 30 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41°36'58"N, 77°05'25"W);

19) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 183 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'54"N, 77°05'25"W);

20) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 30 linear feet of an unnamed tributary to Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'44"N, 77°05'59"W);

21) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 1,664 square feet of an exceptional value palustrine emergent and forested (EV-PFO/PEM) wetland (Liberty, PA Quadrangle 41°36'44"N, 77°06'00"W);

22) A 12 inch diameter HDPE waterline impacting 183 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°36'27"N, 77°05'59"W);

23) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 1,664 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'21"N, 77°06'00"W);

24) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 4,822 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 25 linear feet of an unnamed tributary of Blacks Creek (CWF), and 25 linear feet of an unnamed tributary of Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'05"N, 77°06'16"W);

25) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 2,470 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'08"N, 77°06'16"W);

26) A temporary timber mat and a 12 inch diameter HDPE waterline impacting 25 linear feet of an unnamed tributary of Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'09"N, 77°06'17"W);

27) A temporary timber mat and 1,307 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'35"N, 77°04'06"W);

28) A temporary timber mat and 1,307 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'28"N, 77°04'05"W);

29) A temporary timber mat and 1,743 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'21"N, 77°04'06"W);

30) A temporary timber mat and 1,307 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41°37'15"N, 77°03'44"W).

The project will result in 561 linear feet of temporary stream impacts and 16,114 square feet (0.37 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) 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>
PAS142202 (Storm Water)	Pkg Of American 7451 Cenronia Road Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y

*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>
PA0044741— IW	Hanover Foods Corporation 1486 York Street PO Box 334 Hanover, PA 17331	York County/Penn Township	Oil Creek & UNT Oil Creek/7-H	Y
PA0111422— SEW	Thompsontown Borough Municipal Authority PO Box 154 Thompsontown, PA 17094	Juniata County/ Delaware Township	Delaware Creek/12-B	Y
PA0081868— SEW	Fairview Township 599 Lewisberry Road New Cumberland, PA 17070	York County/ Fairview Township	Susquehanna River/7-E	Y
PA0021717— SEW	Marietta Donegal Joint Authority 50 Furnace Road Marietta, PA 17547	Lancaster County/ Marietta Borough	Susquehanna River/7-G	Y
PA0082287— SEW	PA DE District Council Assemblies of God 430 Union Hall Road Carlisle, PA 17013	Cumberland County/ North Middleton Township	Conodoguinet Creek/7-B	Y

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<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>
PA0217468	Beaver Falls Municipal Authority Eastvale Treatment Plant 911 2nd Avenue Eastvale, PA 15010	Beaver County Eastvale Borough	Beaver River (20-B)	Y

<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>
PA0253197 (MIIW1)	Rollock Company 1317-1319 Main Street Johnstown, PA 15905	Cambria County Franklin Borough	Little Conemaugh River (18-E)	N

---

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

---

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**NPDES Permit No. PA0275786**, Storm Water, SIC Code 3272, **Oldcastle Precast Inc.**, 3900 Glover Road, Easton, PA 18040.

This proposed facility is located in Forks Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for an existing discharge of Storm Water.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**NPDES Permit No. PA0228915**, Sewage, SIC Code 4952, **ORD Sewer Authority**, 235 Skips Lane, Osceola Mills, PA 16666-1753.

This existing facility is located in Decatur Township, **Clearfield County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0273104**, SIC Code 8800, **Lucinda M. Smith**, 7750 Bargain Road, Erie, PA 16509.

This proposed facility is located in Mckean Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

**NPDES Permit No. PA0272949**, Sewage, SIC Code 4952, **Hamlin Township Mckean County**, PO Box 235, Hazel Hurst, PA 16733.

This proposed facility is located in Hamlin Township, **Mckean 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

---

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2282406, Amendment No. 3**, Sewerage, **Berrysburg Municipal Authority**, PO Box 183, Berrysburg, PA 17005.

This proposed facility is located in Berrysburg Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction of sewage facilities consisting of: One distribution box upstream of the proposed continuous flow SBRs. Caustic Soda (25% aqueous solution at 0.9 gph for alkalinity adjustment), Aluminum Sulfate (50% aqueous solution at 0.55 gph to promote phosphorus precipitation) and Acetic Acid (100% aqueous solution at 1.8 gph to serve as a carbon amendment for denitrification) chemical feed systems. Two continuous flow SBRs (4,446 ft<sup>3</sup> each). Two UV disinfection units rated for 218 gpm each. Two aerobic digestion tanks. The modification of an existing clarifier to serve as a Sludge Holding Tank.

**WQM Permit No. 2815402**, Sewage, **Antrim Township Municipal Authority**, 10655 Antrim Church Road, PO Box 130, Greencastle, PA 17225-0130.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of gravity sewer to re-route flows from Pump Station 5 and Pump Station 25 to the Williamsport Interceptor. The new gravity sewer will consist of approximately 1,200' of 10" sewer, 1,700' of 15" sewer, and 5,000' of 18" sewer.

**WQM Permit No. 3688468 Amendment A-3**, Sewage, **Paradise Township Sewer Authority**, 2 Township Drive, PO Box 40, Paradise, PA 17562-0040.

This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approving the modification of sewage facilities consisting of modification to the chemical feed system, relocation of the headworks.

**WQM Permit No. 2815401**, Sewage, **Antrim Township Municipal Authority**, 10655 Antrim Church Road, PO Box 130, Greencastle, PA 17225-0130.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction/modification of sewage facilities consisting of replacement of components at Pump Station #13, including two (2) new dry pit 270 gpm submersible pumps, an emergency generator, meter vault, sump pump system, and 3 phase, 480 volt electrical service.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 5615405**, Sewage, **National Park Service**, 278 Park Headquarters Road, Stoystown, PA 15563.

This proposed facility is located in Stonycreek Township, **Somerset County**.

Description of Proposed Action/Activity: Construction of new sewage treatment plant.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 2515403**, Sewage, **Lucinda M. Smith**, 7750 Bargain Road, Erie, PA 16509.

This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG01201504**, Sewage, **Jennifer & Justin McLaren**, 12981 Raymond Dr, Meadville, PA 16335.

This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515003	Canine Partners for Life P. O. Box 170 Cochranville, PA 19330	Chester	Londonderry Township	East Branch Big Elk Creek HQ-MF
PAI011513031(1)	Owen J. Roberts School District 901 Ridge Road Pottstown, PA 19465	Chester	East Vincent Township	Unnamed Tributary to French Creek HQ-TSF-MF

*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>
PAI023914022(1)	Hospital Central Services Coop., Inc. c/o Mr. Daniel Marcante 2171 28th Street Allentown, PA 18103	Lehigh	City of Allentown	Trout Creek (HQ-CWF, MF)
PAI023915006	Lehigh Valley Hospital—Muhlenberg c/o Marc Breidenbach Facilities & Construction Dept., 3rd Floor 2100 Mack Boulevard, PO Box 4000 Allentown, PA 18105	Lehigh and Northampton	Bethlehem City and Hanover Township	UNT to Monocacy Creek (HQ-CWF, MF) and Monocacy Creek (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041415004	P R Properties Partnership 1042 E. Springfield Dr Bellefonte, PA 16823-8284	Centre	Marion Walker Twp	Little Fishing Creek, HQ-CWF

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Erie County Conservation District, 1927 Wager Road, Erie, PA 16509*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062510001R	Trinity Equestrian Center Roseanne Palermo 3437 West Lake Road Erie, PA 16505	Erie	Fairview Township	Bear Run CWF; MF

---

**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>
Londonderry Township Chester County	PAG02001515037	I.V.D. Corporation 110 E. State Street, Suite 9 Kennett Square, PA 19348	Middle Branch White Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG02001514037	Frances Powers 212 Larchmont Lane West Grove, PA 19390  Co-Applicant: Phillip Dutton 248 Hood Road West Grove, PA 19390	Unnamed Tributary to East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Vincent Township Chester County	PAG02001515014	East Vincent Township 262 Ridge Road Spring City, PA 19475	Unnamed Tributary to Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG02001515036	Redgo Development 615 Willowbrook Lane West Chester, PA 19382	Unnamed Tributary to Goose Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401L 484-250-5900
East Pikeland Township Chester County	PAG02001515032	Michelle M. Lampkin, Executrix Estate of Pauline C. Gappa P. O. Box 902 Kimberton, PA 19442	French Creek TSF-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 Goshen Township Chester County	PAG02001515034	West Chester University 201 Carter Drive, Suite 200 West Chester, PA 19383	Plum Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Birmingham Township Chester County	PAG02001515037	MLV Family, LP 1275 Wilmington Pike West Chester, PA 19382	Unnamed Tributary to Radley Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG02004614103	Park Ridge Properties, LLC 321 Maple Avenue Horsham, PA 19044	Park Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG02004615037	Blue Bell Investment Company, LP 6711 Columbia Gateway Drive Suite 300 Columbia, MD 21046	Stony Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG02004615055	Oxford Land Development P. O. Box 841 521 Stump Road Suite A Montgomeryville, PA 18936	Park Creek 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>
Upper Saucon Township Lehigh County	PAG02003915010	Dean Tantaros 3064 Village Drive Center Valley, PA 18034	Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Plains Township Luzerne County	PAG02004015012	UGI Penn Natural Gas, Inc. Chris Morris One UGI Center Wilkes-Barre, PA 18702	Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Jackson Township Luzerne County	PAG02004014027	2xracers Holdings, LLC John Halbing 3579 N. Memorial Highway Dallas, PA 18612	Huntsville Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Jenkins Township Luzerne County	PAG02004009003R	Frank Braccini, Jr. 295 Schooley Avenue Exeter, PA 18644	UNT to Susquehanna River (CWF, MF)	Luzerne Conservation District 570-674-7991
Hunlock Township Luzerne County	PAG02004015009	UGI Energy Services, Inc. Peter Quattrini One Meridian Boulevard Suite 2C01 Wyomissing, PA 19610	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Nanticoke City Luzerne County	PAG02004014038	New Lexington Associates II, L.P. S. Michael Cohen 1 Wynnewood Road Suite 200 Wynnewood, PA 19096-1918	Espy Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Northampton Borough Northampton County	PAG02004815010	Posh Properties c/o Mr. Joseph Posh 2216 Willow Park Road Bethlehem, PA 18020	Lehigh River (TSF, MF)	Northampton County Conservation District 610-746-1971

## NOTICES

5997

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Straban Township Adams County	PAG02000115024 Issued	David L. Sites/ Sites-Bittinger, L.P. 1270 Fairfield Road Gettysburg, PA 17325	UNT to Rock Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636
Hamiltonban and Liberty Townships Adams County	PAG02000115027 Issued	Mother Stella-Marie of Jesus, O.C.D. C/O Anthony Disanto, Esquire Assist, Ltd. 125 Locust Street Harrisburg, PA 17101	Middle Creek/CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636
Allegheny Township Blair County	PAG02000715009 Issued	T/A Fiore TVA Attn. Daniel Fiore 1000 Logan Boulevard Hollidaysburg, PA 16648	Brush Run/ WWF, MF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 ext. 5
Upper Allen Township Cumberland County	PAG02002115024 Issued	Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16625	Cedar Run/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Lower Paxton Township	PAG02002215026 Issued	Best Line Equipment, LLC 140 Hawbaker Industrial Drive State College, PA 16803	Beaver Creek/ WWF-MF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Middletown Borough and Lower Swatara Township Dauphin County	PAG02002215029 Issued	Penn DOT BPT 400 North Street 6th Floor Harrisburg, PA 17105	Swatara Creek WWF, MF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
East Hanover Township Dauphin County	PAG02002214038-1 Issued	PA Dept of General Services 18th & Herr Streets Harrisburg, PA 17125	Bow Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Marietta Borough Lancaster County	PAG02003615029 Issued	Marietta Borough 111 East Market Street Manheim, PA 17547	Susquehanna River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Caernarvon Township Lancaster County	PAG02003615066 Issued	Quentin Shirk 826 Leiser Road New Columbia, PA 17856	Conestoga River/ WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Paradise Township  
Lancaster CountyPAG02003615082  
IssuedSteve Wagler  
516 Windy Tor Road  
Bird-In-Hand, PA 17505Eshleman Run/  
CWF, MFLancaster County  
Conservation District  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717-299-5361,  
Ext. 121Millcreek Township  
Lebanon CountyPAG02003815022  
IssuedBurnell H. Martin  
112 North Kalbach Road  
Newmanstown, PA 17073

Mill Creek/TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
717-277-5275*Northcentral Region: Waterways & Wetlands Program Manager; 208 West Third Street, Williamsport, PA 17701, 570.327.3636**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Centre County  
Spring Township

PAG02001415013

Allen Witherite  
324 E College Ave  
Pleasant Gap, PA 16823UNT to Logan  
Branch, CWFCentre County  
Conservation District  
414 Holmes Ave  
Ste 4Centre County  
Harris Township

PAG02001415014

Eric J Stashak  
328 Government PL  
Williamsport, PA 17701

Cedar Run, CWF

Bellefonte, PA 16823  
(814) 355-6817Clearfield County  
Sandy Township

PAG02001715008

Daniel L Corbet  
99 Treasure Lake  
Dubois, PA 15801Clearfield County  
Conservation District  
511 Spruce St Ste 6  
Clearfield, PA 16830  
(814) 765-2629Clearfield County  
Bradford Township

PAG02001715009

Woodland DPP XIV, LLC  
9010 Overlook Blvd  
Brentwood, TN 37027*Southwest Region: Regional Waterways & Wetlands Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.**Facility Location and  
Municipality**Permit No.**Applicant Name and  
Address**Receiving  
Water/Use**Contact Office and  
Phone No.*Summit Township  
Somerset County

PAG02005615010

Meyersdale Storage, LLC  
700 Universe Boulevard  
Juno Beach, FL 33408UNT to Casselman  
River (CWF)Somerset County  
Conservation District  
Somerset County Ag  
Center  
6024 Glades Pike,  
Suite 103  
Somerset, PA 15501  
(814) 445-4652North Strabane  
Township  
Washington County

PAG02006315022

MV Affordable Housing  
9349 Waterstone Boulevard  
Cincinnati, OH 45249UNT to Chartiers  
Creek (WWF)Washington County  
Conservation District,  
Suite 105,  
2800 North Main  
Street,  
Washington, PA  
15301  
(724) 705-7098Hanover Township  
and Smith Township  
Washington County

PAG02006315032

Pennsylvania American  
Water,  
300 Galley Road,  
McMurray, PA 15317UNT to Burgetts  
Fork (WWF)Washington County  
Conservation District,  
Suite 105,  
2800 North Main  
Street,  
Washington, PA  
15301  
(724) 705-7098

## NOTICES

5999

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
North Strabane Township Washington County	PAG02006315033	William C. McCloskey 571 West McMurray Road Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Hempfield Township Westmoreland County	PAG02006513006(1)	Pittsburgh Custom Homes 772 Pine Valley Drive Pittsburgh, PA 15239	Jacks Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Fairfield Township Westmoreland County	PAG02006514043	SBA Towers VI, LLC 8051 Congress Avenue Boca Raton, FL 33487	Tubmill Creek (TSF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Municipality of Murrysville Westmoreland County	PAG02006515010	Speedway, LLC 500 Speedway Drive Enon, OH 45323	Turtle Creek (TSF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Allegheny Township Westmoreland County	PAG02006515012	Kiski Area Soccer League 128 California Avenue Vandergrift, PA 15690-2124	Pine Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Salem Township and New Alexandria Borough Westmoreland County	PAG02006515015	Speedway, LLC 500 Speedway Drive Enon, PA 45323	Loyalhanna Creek (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Unity Township Westmoreland County	PAG02006515017	PennDOT District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401-2105	UNT to Monestery Run (WWF); UNT to Ninemile Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township and Hempfield Township	PAG02006515018	Jay Bell 1 Corporate Drive Hunker, PA 15639	Belson Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Unity Township Westmoreland County	PAG02006515021	BOIII Latrobe, LLC 1 West Pennsylvania Avenue, Suite 975	Loyalhanna Creek (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township Westmoreland County	PAG2006515022	Penn Tex Ventures, LLC 1563 Woodward Drive Extension, Greensburg, PA 15601	Buffalo Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Unity Township Westmoreland County	PAG2006515024	Phantom Enterprises, LLP P O Box 388 Youngstown, PA 15696	Nine Mile Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
City of Greensburg Westmoreland County	PAG02006515025	St. Anne Home 685 Angela Drive Greensburg, PA 15601	Jacks Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Derry Township Westmoreland County	PAG02006515027	David S. Herrholtz and Richard Santella P O Box 277 Pittsburgh, PA 15239	Saxman Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township Westmoreland County	PAG02006515030	Wesex Corporation 85 Garfield Street West Middlesex, PA 15159	Belson Run (WWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Ligonier Borough Westmoreland County	PAG02006515033	Economic Growth Connection, 40 North Pennsylvania Avenue, Suite 510, Greensburg, PA 15601	Loyalhanna Creek (CWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271
Ligonier Borough Westmoreland County	PAG02006515035	Loyalhanna Watershed Association, Inc. 110 Andi Lane Ligonier, PA 15658	Loyalhanna Creek (CWF)	Westmoreland Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837-5271

*General Permit Type—PAG-03*

<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>
Philadelphia City Philadelphia County	PAR230089	United Color Manufacturing Inc. 660 Newtown-Yardley Road Newtown, PA 18940	Delaware River—3-J	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Tinicum Township Delaware County	PAR800099	Aircraft Service International Group 3 Hog Island Road Philadelphia, PA 19153	Delaware River—3-F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Hanover Township Lehigh County	PAR802246	Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18103-1046	Lehigh River, Unnamed Tributary to Catasauqua Creek, Unnamed Tributary to Lehigh River and Unnamed Tributary to Monocacy Creek—2-C	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-4*

<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>
Dorrance Township Luzerne County	PAG042204	Wasielewski Danny 8131 Blue Ridge Trail Wapwallopen, PA 18660	Unnamed Tributary to Little Wapwallopen Creek—5-B/CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
East Mead Township Crawford County	PAG041192	Jennifer & Justin McLaren 12981 Raymond Drive Meadville, PA 16335	Unnamed Tributary of Little Sugar Creek—16-D	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-10*

<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>
West Wheatfield Township Indiana County	PAG106186	Texas Eastern Transmission, LP 890 Winter Street, Suite 300 Waltham, MA 02451	East Branch Richards Run and Unnamed Tributary to East Branch Richards Run—18-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 1514538, Public Water Supply.**

Applicant	<b>Downingtown Municipal Water Authority</b> 900 Water Plant Way Downingtown, PA 19335
Borough	Downingtown
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Cardno BCM 920 Germantown Pike Suite-200 Plymouth Meeting, PA 19462
Permit to Construct Issued	September 22, 2015

**Operations Permit #1515534** issued to: **PA American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] Upper Providence Township, **Chester County** on September 17, 2015 for the operation of Black Rock Tank 2 following maintenance activities approved under construction permit #1515503.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Operation Permit No. 4414501 MA** issued to: **Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Derry Township, **Mifflin**

**County** on 9/14/2015 for facilities approved under Construction Permit No. 4414501 MA.

**Operation Permit No. 0715502 MA** issued to: **Curryville Water Authority (PWS ID No. 4070298)**, North Woodbury Township, **Blair County** on 9/11/2015 for facilities approved under Construction Permit No. 0715502 MA.

**Operation Permit No. 3066584** issued to: **Niagara Bottling, LLC (PWS ID No. 3066584)**, Hamburg Borough, **Berks County** on 9/17/2015 for facilities submitted under Application No. 0615509.

**Operation Permit No. 3615501** issued to: **Welsh Mountain Home, Inc. (PWS ID No. 7360047)**, Sadsbury Township, **Lancaster County** on 9/16/2015 for facilities approved under Construction Permit No. 3615501.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No 1212501—Operation—Public Water Supply.**

Applicant	<b>Emporium Water Company</b>
Township/Borough	Shippen Township
County	<b>Cameron</b>
Responsible Official	Mr. Jerry Crosby Emporium Water Company 174 Nickler Road Emporium, PA 15834
Type of Facility	Public Water Supply
Consulting Engineer	Craig J. Bauer, P.E. KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit Issued	September 21, 2015
Description of Action	Operation of the 500,000 gallon wire wound concrete water storage tank with steel diaphragm known as Britton Road tank, 150,000 gallon glass-lined, bolted steel water storage tank known as Sylvan Heights tank and booster pump station for Sylvan Heights area.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. Emergency, Public Water Supply.**

Applicant	<b>NOVA Chemicals</b> 400 Frankfort Road Monaca, PA 15061
[Borough or Township]	Potter Township
County	<b>Beaver</b>
Type of Facility	Water system
Consulting Engineer	
Permit to Construct Issued	September 3, 2015

**Operations Permit** issued to: **Fawn-Frazer Joint Water Authority**, 326 Donnellville Road, Natrona Heights, PA 15065, (PWSID #5020076) Fawn Township,

**Allegheny County** on September 21, 2015 for the operation of facilities approved under Construction Permit #0214543.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320041) Montgomery Township, **Indiana County** on September 18, 2015 for the operation of facilities approved under Construction Permit #3213501.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320041) Montgomery Township, **Indiana County** on September 18, 2015 for the operation of facilities approved under Construction Permit #3213514.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320041) Village of Arcadia and Montgomery Township, **Indiana County** on September 18, 2015 for the operation of facilities approved under Construction Permit #3212501.

**Operations Permit** issued to: **Ligonier Township Municipal Authority**, One Municipal Park Drive, Ligonier, PA 15658, (PWSID #5650080) Ligonier Township, **Westmoreland County** on September 17, 2015 for the operation of facilities approved under Construction Permit #6512511MA.

**Operations Permit** issued to: **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15235, (PWSID #5020041) Plum Borough, **Allegheny County** on September 17, 2015 for the operation of facilities approved under Construction Permit #0212506MA.

**Operations Permit** issued to: **Latrobe Municipal Authority**, 104 Gueirrier Road, Latrobe, PA 15650, (PWSID #5650060) Derry Township, **Westmoreland County** on September 17, 2015 for the operation of facilities approved under Construction Permit #6514503MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) Forward Township, **Allegheny County** on September 17, 2015 for the operation of facilities approved under Construction Permit #2613505.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) North Huntingdon Township, **Westmoreland County** on September 17, 2015 for the operation of facilities approved under Construction Permit #2613507.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) North Huntingdon Township, **Westmoreland County** on September 17, 2015 for the operation of facilities approved under Construction Permit #2613514.

**Operations Permit** issued to: **Kittanning Suburban Joint Water Authority**, 710 Tarrtown Road, Adrian, PA 16210, (PWSID #5030043) East Franklin Township, **Armstrong County** on September 17, 2015 for the operation of facilities approved under Construction Permit #0315502MA.

**Permit No. Emergency, Minor Amendment.** Public Water Supply.

Applicant **Center Township Water Authority**  
224 Center Grange Road  
Aliquippa, PA 15001

[Borough or Township] Center Township  
County **Beaver**  
Type of Facility Water system  
Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.  
846 Fourth Avenue  
Coraopolis, PA 15108

Permit to Construct Issued September 11, 2015

**Permit No. 6515506MA, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of the City of New Kensington**  
PO Box 577  
920 Barnes Street  
New Kensington, PA 15068

[Borough or Township] Lower Burrell Township  
County **Westmoreland**  
Type of Facility Braeburn tank painting  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued September 17, 2015

**Permit No. 6515507MA, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of the City of New Kensington**  
PO Box 577  
920 Barnes Street  
New Kensington, PA 15068

[Borough or Township] Lower Burrell Township  
County **Westmoreland**  
Type of Facility East Kensington tank painting  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued September 17, 2015

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Transfer of Operation Permit** issued to **Nugent Charleston Properties, LP/Cherry Hill Corporation d/b/a Shelbourne Personal Care**, PWSID No. 5100133, Penn Township, **Butler County** on September 14, 2015. Action is for change in ownership; the potable water supplier will do business as Shelbourne Personal Care. The new permit number is 1010501-T1.

**Emergency Operation Permit** issued to **Warren County School District**, PWSID #6620300, Pine Grove

Township, **Warren County** on September 17, 2015. This permit is issued for the temporary operation of disinfectant treatment in response to E. coli contamination at the water system serving the Central Office and Learning Enrichment Center building.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Under the Pennsylvania 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
Lower Swatara Township	1499 Spring Garden Dr, Middletown, PA 17057	Dauphin

*Plan Description:* The Request for Planning Exemption for the UPS SARAA Feeder Facility, DEP Code No. A3-22922-191-3E, APS Id 880180, consisting of a new package handling and shipping building to generate sewage flows of 1,913 gallons per day and be served by the Harrisburg International Airport Authority's sewers and wastewater treatment facility, is disapproved. The permittee, Susquehanna Area Regional Airport Authority, does not submit information under Chapter 94 (relating to municipal wasteload management) which documents that the existing collection, conveyance and treatment system does not have existing hydraulic or organic overload or 5-year projected overload; therefore, the criteria in Chapter 71, Section 71.51(b)(2)(ii) cannot be met. The project is located between Airport Drive and Olmsted Drive.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media;

benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Former J.H. Beers, Inc. Site**, Male Road and State Route 33, Wind Gap Borough, Bushkill Township, and Plainfield Township, **Northampton County**. EarthRes Group, Inc., PO Box 468, Pipersville, PA 18947, on behalf of Taggart Associates, 26 East Third Street, Bethlehem, PA 18015, submitted a Final Report concerning remediation of site soils contaminated with Benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Turkey Hill 123**, 120 South Main Street, Shenandoah Borough, **Schuylkill County**. Liberty Environmental, 50 North 5th Street, Reading, PA 19601, on behalf of Turkey Hill LP, 257 Centerville Road, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Total Xylenes, Cumene, Naphthalene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Former General Electric Environmental Services Parcel B**, 253 North Fourth Street, Lebanon, PA 17046, Lebanon City, **Lebanon County**. Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of General Electric Company, 1935 Redmond Circle, Rome, GA 30165 a submitted Final Report concerning remediation of site soils contaminated with PCBs and lead. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Walker Elementary School**, 7864 William Penn Highway, Mifflintown, PA 17059, Walker Township, **Juniata County**. P. Joseph Lehman, Inc., 117 Old Farm Office Road, Suite 113, Duncansville, PA 16635, on behalf of Juniata County School District, 7864 William Penn Highway, Mifflintown, PA 17059, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site groundwater contaminated with heating oil. The combined report is intended to document remediation of the site to meet the Site Specific Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former LTV Hazelwood Coke Plant—Areas A&B**, Second Avenue, City of Pittsburgh, **Allegheny County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110 on behalf of Almono, L.P., 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222 has submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan concerning the remediation of site soils and groundwater contaminated with semi-volatile organic compounds and metals. The RIR/RA/CP is intended to document remediation of the site to meet a combination of Statewide Health and Site Specific standards. Notice of the RIR/RA/CP was published in the *Pittsburgh Post-Gazette* on August 17, 2015.

**Former First Student Bus Garage** (First Student 20516) 235 Chartiers Ave., City of Pittsburgh, **Allegheny County**. American Geosciences Inc., 3925 Reed Blvd., Suite 400 Murrysville, PA 15668 on behalf of Christine J. Roman, 1245 Anderson Road, Pittsburgh, PA 15209 & submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded/leaded gasoline and diesel fuel related volatile organic compounds. The Final Report is intended to document the site to meet the Site Specific standard. Notice of the Final Report in the *Tribune-Review* on September 14, 2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

---

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

---

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based

on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**RH&A Enterprises (Penn Lock Corp)**, 21 Noyes Avenue, Swoyersville Borough, **Luzerne County**. Quad 3 Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 on behalf of RH&A Enterprises, 1400 San Souci Highway, Hanover, PA 18706, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on September 15, 2015.

**Richard Storat Residence**, 5050 Blue Church Road, Upper Saucon Township, **Northampton County**. JMT Environmental, 3353-C Gun Club Road, Nazareth, PA 18064 on behalf of Richard Storat, 5050 Blue Church Road, Coopersburg, PA 18036, submitted a Final Report concerning the remediation of site soils contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 16, 2015.

**Aldrich L. Well Pad (Pad 1)**, 2758 Great Bend Turnpike, Gibson Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Naphthalene, Anthracene, Benzo(a)-anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Fluorene, Phenanthrene, and Pyrene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 16, 2015.

**D. Grosvenor Well Pad (Pad 1)**, 122 Willagrove Drive, Dimock Township, **Susquehann County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801 on behalf of Cabot Oil & Gas, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils contaminated with Chloride, Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, and Zinc. The Final Report demonstrated attainment of the Statewide Health and Background Standards, and was approved by the Department on September 9, 2015.

**Jaffin Residence**, 27 3rd Lane, Salem Township, **Luzerne County**. James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407, on behalf of

Francis Golumb, 363 Stone Church Road, Berwick, PA 18603, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 21, 2015.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Restaurant Depot**, 4250 Chambers Hill Road, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Whitestone Associates, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of Bird Hill Farms, 7004 Old Tabby Circle, Lakewood Ranch, FL 34202, and Restaurant Depot, 1524 132nd Street, College Point, NY 11356, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 16, 2015.

**Walker Elementary School**, 7864 William Penn Highway, Mifflintown, PA 17059, Walker Township, **Juniata County**. P. Joseph Lehman, Inc., 117 Old Farm Office Road, Suite 113, Duncansville, PA 16635, on behalf of Juniata County School District, 7864 William Penn Highway, Mifflintown, PA 17059, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site groundwater contaminated with heating oil. The Remedial Investigation Report and Risk Assessment Report were administratively incomplete and were disapproved by the Department on September 17, 2015.

**Strawberry Hills**, Vicars Lane, Altoona, PA Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Altoona Blair County Development Corporation, 3900 Industrial Park Drive, Altoona, PA 16602 and Stewart Sachs Family Trust, 20 New Plant Court, Suite 106, Owings Mills, MD 21117, submitted a Work Plan concerning remediation of site soils and groundwater contaminated with Inorganics, PAHs and VOCs. The 102 acre site is undeveloped; however, 30 acres has preliminary residential infrastructure in place and ~34 acres is a former unpermitted municipal dump. Potential future uses include a fire training facility, commercial use, a township park, and maybe residential. The site is being remediated as a Special Industrial Area. The Work Plan was approved by the Department on September 22, 2015.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**State Route 59 East**, State Route 59 East, Mead Township, **Warren County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Nittany Oil Company, 1540 Martin Street, State College, PA 16803, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, Toluene, Xylenes, 1,3,5-Trimethylbenzene, and 1,2,4-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 15, 2015.

---

**MUNICIPAL WASTE GENERAL PERMITS**


---

**General Permit(s) issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

---

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**General Permit No. WMGM043SW001: Boyd Roll-Off Services, Inc.**, 1107 Thompson Avenue, McKees Rocks, PA 15136. For the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials in McKees Rocks Borough, **Allegheny County**. General Permit issued in the Regional Office on September 21, 2015.

---

**AIR QUALITY**


---

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

---

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**GP3-46-0122: Harleysville Materials, LLC** (P. O. Box 587, Berlin, NJ 08009) On September 18, 2015, for relocation of a portable screener in Falls Township, **Bucks County**.

**GP3-46-0123: Harleysville Materials, LLC** (P. O. Box 587, Berlin, NJ 08009) On September 18, 2015, for relocation of a portable screener in Falls Township, **Bucks County**.

**GP11-46-0073: Harleysville Materials, LLC** (P. O. Box 587, Berlin, NJ 08009) On September 18, 2015, for relocation of (1) diesel-fired non-road engine in Falls Township, **Bucks County**.

**GP11-46-0081: Harleysville Materials, LLC** (P. O. Box 587, Berlin, NJ 08009) On September 18, 2015, for relocation of (1) diesel-fired internal combustion engine in Falls Township, **Bucks County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog, New Source Review Chief—Telephone: 412-442-4150*

**GP5-03-00266: Mountain Gathering, LLC** (810 Houston Street, Fort Worth, TX 76102) on September 15, 2015, to authorize the installation and operation of a natural gas compressor station consisting of four lean burn natural gas-fired compressor engine rated at 1,775 bhp and controlled by oxidation catalysts, one tri ethylene glycol dehydrator (including reboiler) rated for 70 MMSCFs/day, and two 16,800 gallons produced water tanks. The facility will be authorized under GP-5 for natural gas compression, named McIntyre Compressor Station, and located in South Buffalo Township, **Armstrong County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**GP9-10-021K: INDSPEC Chemical Corporation** (133 Main Street, Petrolia, PA 16050) on September 16, 2015, for the authority to construct and/or operate a diesel No. 2 Fuel-Fired Internal Combustion Engine (BAQ-GPA/GP9) located at your facility in Petrolia Borough, **Butler County**.

---

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

---

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-0229: Brenner Aerostructures** (450-3 Winks Lane, Bensalem, PA 19020) On September 18, 2015 in Bensalem Township, **Bucks County**, the Department of Environmental Protection (DEP) issued the Plan Approval application for the installation and operation of one existing and two new coating paint booths. Brenner is a minor facility for VOC's and HAP's. The paint booths are not subject to New Source Performance Standards (NSPS). The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within 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*

**06-05069X: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on September 15, 2015, for modifying A-2 Facility production lines. The sources are located at their Lyon Station Plant in Richmond Township, **Berks County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-923A: Erie Power LLC** (10915 Ackerman Lane, North East, PA 16428) on September 15, 2015, has issued a plan approval for the installation of a 1,000 kW (1,341 bhp) diesel-fired emergency generator. This facility is located in North East Township, **Erie County**.

---

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

---

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920*

**46-0278A: Tierpoint Pennsylvania Two LLC** (4 Tek Park, 9999 Hamilton Blvd, Breinigsville, PA 18031) On September 14, 2015, to construct and operate two (2) emergency generators, in Lower Providence Township, **Montgomery County**.

**09-0220: Donaldson Co Inc.:** (85 Railroad Dr. Ivyland, PA 189741478) On September 14, 2015 to operate a regenerative thermal oxidizer in South Hampton, **Bucks County**.

**23-00066C: Pyromet:** (5 Commerce Drive, Aston, PA 19014) On September 14, 2015 to manufacturing secondary nonferrous metals in Chester Township, **Delaware County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00011I: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on September 14, 2015, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from September 18, 2015 to March 16, 2016 at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

---

#### **Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

---

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00053: Greif Packaging, LLC** (695 Louis Drive, Warminster, PA 18974) on September 18, 2015, for issuance of a Title V Operating Permit (TVOP) for the existing steel drum manufacturing facility located in Warminster Township, **Bucks County**. The TVOP incorporates the requirements of Plan Approval No. 09-0053B, and includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**54-00054: Commonwealth Environmental Systems** (PO Box 322, 99 Commonwealth Road, Hegins, PA 17938) A Title V Operating Permit was issued on March 31, 2015, for a landfill facility in Foster Township, **Schuylkill County**.

---

#### **Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

---

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**35-00061: Polarized Meat Company, Inc.** (107 Keystone Industrial Park, P. O. Box 172, Dunmore, PA 18512-0172) The Department issued a State Only operating permit on June 30, 2015, for a meat products manufacturing facility in Dunmore Borough, **Lackawanna County**.

**45-00024: Eureka Stone Quarry, Inc. Pocono Quarry and Asphalt Plant** (P. O. Box 249, Chalfont, PA 18914) The Department issued a renewal State Only (Synthetic Minor) operating permit March 31, 2015, for a quarry/asphalt facility in Hamilton Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**36-03075: City of Lancaster** (120 N. Duke Street, PO Box 1599, Lancaster, PA 17608) on September 14, 2015, for the City of Lancaster's Advanced Wastewater Treatment Plant located in Lancaster Township, **Lancaster County**. The State-only permit was renewed.

**6-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, PA 17552-9515) on September 15, 2015, for the custom metal fabrication facility located in Mount Joy Township, **Lancaster County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00052: P & N Coal Co., Inc.** (PO Box 332, Punxsutawney, PA 15767), issued State Only operating permit on September 14, 2015, for their coal preparation facility located in Goshen Township, **Clearfield County**. The facility's main sources include a coal processing operation, site haul roads and a diesel fired generator. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**10-00265: National Underground Storage** (1137 Branchton Road, Boyers, PA 1020) on September 10, 2015 issued a Natural Minor Operating Permit for the data storage facility in Cherry Township, **Butler County**. The facility's primary emission sources are 17 emergency fired diesel engines ranging from 324 hp to 3,353 hp. The permit contains the requirements of plan approval 10-265A, GP9 10-265A, GP9 10-265B, GP-10-265C, the requirements of 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and the requirements of 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The NO<sub>x</sub>, VOC, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, and SO<sub>x</sub> potential emissions are less than 30.88 TPY, 2.13 TPY, 0.71 TPY, 0.69 TPY, 12.80



TPY, and 0.2 TPY, respectively. The facility is an area source of Hazardous Air Pollutants (HAPs). Total HAPs are less than 0.02 TPY. The permit contains emission restrictions, testing requirements, monitoring requirements, recordkeeping requirements, reporting requirements, work practice requirements, and additional requirements.

**10-00379: Mountain Gathering** (810 Houston Street, Fort Worth, Texas 76102), on August 25, 2015, issued a new State Only Operating Permit for their Penn Cryo facility located in Penn Township, **Butler County**. The facility is a Natural Minor. Potential emissions are estimated as follows: NO<sub>x</sub>, 4.9484 tpy; CO, 10.3994 tpy; VOC, 3.7834 tpy; SO<sub>2</sub>, 0.3469 tpy; PM, 1.7892 tpy; and all combined HAPs, 0.1946 tpy. The primary sources at the facility are a 21.4 million Btus/hr process heater, 3 storage tanks, and a gas processing plant. Certain conditions from plan approval 10-379A pertaining to plant roadways were not included in the permit since they are no longer applicable. These specific conditions were no longer applicable since estimated particulate matter emissions from truck traffic were reduced from 11.01 tpy to 1.07 tpy because produced liquids leave the plant via pipeline rather than truck transport. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00326: Buckeye Leasing, Incorporated, City Slag Quarry Plant** (300, Ohio Street Extension, Hermitage, PA 16148) on September 17, 2015 for renewal of a Natural Minor Permit to operate a non-metallic mineral processing plant and processing recycled concrete. The emitting sources are slag processing operations and a portable crush and screen plant with diesel engines for the recycled concrete processing. The facility is located in the City of Hermitage, **Mercer County**. This facility is a Natural Minor facility. All emissions from the slag processing are fugitives. Actual slag processing emissions based on 2,080 hours are: PM<sub>10</sub> 2.56 TPY and PM 2.5—0.34 TPY. Actual emissions from the recycled concrete processing operations are PM<sub>10</sub> 0.4 TPY and PM 2.5—0.06 TPY. Emissions from the engines are less than 2.0 TPY NO<sub>x</sub>, 3.08 TPY CO, 1.93 TPY VOC and 0.10 TPY PM.

---

**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.**

---

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**01-05029: NRG Wholesale Generation, LP** (121 Champion Way, Canonsburg, PA 15317-5817) on September 9, 2015, for the Hunterstown Electric Generating Station located in Straban Township, **Adams County**. The Title V permit underwent a minor modification to reduce the minimum turndown load value of the three combustion turbines from 60% to 44%.

## 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*

**30841602 and NPDES No. PA0215562. Duquesne Light Company**, (PO Box 547, Greensboro, PA 15338). To renew the permit for the Warwick Mine No. 2 Preparation Plant in Monongahela Township, **Greene County** for water treatment and reclamation only. No additional discharges. The application was considered administratively complete on November 6, 2006. Application received October 6, 2006. Permit issued September 14, 2015.

**30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company, LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Richhill, Morris, Washington Townships, **Greene County**, East Finley Township, Washington County, to add 8,152.0 underground permit area acres and 8,152.0 subsidence control plan area acres to Harvey Mine from Bailey Mine. Underground Acres Proposed 8,152.0, Subsidence Control Plan Acres Proposed 8,152.0. No additional discharges. The application was considered administratively complete on May 22, 2015. Application received February 17, 2015. Permit issued September 17, 2015.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56130109 and NPDES No. PA0279358. Berwind Coal Sales Co.**, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface and auger mine in Paint and Ogle Townships, **Somerset County**, affecting 316.7 acres. Receiving streams: unnamed tributaries to/and Paint Creek, Seese Run and Babcock Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 2, 2014. Permit issued: September 16, 2015.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**4674SM8 and NPDES No. PA0258920. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface mine and associated NPDES permit in Fox Township, **Elk County** affecting 63.4 acres. This renewal is issued for reclama-

tion only. Receiving streams: Benninger Creek. Application received: May 18, 2015. Permit issued: September 17, 2015.

**33890122. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous surface and auger mine in Knox, Oliver, and Rose Townships, **Jefferson County** affecting 200 acres. This renewal is issued for reclamation only. Receiving streams: Lick Run. Application received: July 23, 2015. Permit issued: September 17, 2015.

**33890122-GP-104. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 33890122 in Knox, Oliver, and Rose Townships, **Jefferson County**. Application received: July 23, 2015. Permit Issued: September 17, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 54850101R6. Schuylkill Reclamation Corp.**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 61.0 acres, receiving stream: North Mahanoy Creek. Application received: January 12, 2015. Renewal issued: September 15, 2015.

**Permit No. 54850101GP104. Schuylkill Reclamation Corp.**, (10 Gilberton Road, Gilberton, PA 17934), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54850101 in Mahanoy Township, **Schuylkill County**, receiving stream: North Mahanoy Creek. Application received: January 12, 2015. Renewal issued: September 15, 2015

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 4274SM11 and NPDES No. PA0212512, New Enterprise Stone & Lime Co., Inc.**, P. O. Box 77, New Enterprise, PA 16664, commencement, operation and restoration of a noncoal surface mine to deepen a 24.9 acre portion of the existing quarry in Taylor Township, **Blair County**, affecting 467.1 acres. Receiving streams: Plum and Halter creeks classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 8, 2014. Permit issued: September 1, 2015.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**2128-42110301-E-2. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Application for a stream encroachment to conduct mining activities within 100 feet of Horse Run. Receiving streams: Raub Hollow, Horse Run, and an unnamed tributary to Horse Run. Application Received: June 19, 2015. Permit Issued: September 17, 2015.

**37020301-GP-104. Mayberry Sand & Gravel, Inc.** (4983 State Route 18, New Castle, PA 16102) Renewal of a General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37020301 in North Beaver Township, **Lawrence County**. Application received: August 13, 2015. Permit Issued: September 17, 2015.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**41920802. Robert L. Hyde** (441 Smokey Corners Road, Cogan Station, PA 17728). Final bond release for a small industrial minerals surface mine located in Armstrong Township, **Lycoming County**. Restoration of 1.0 acre completed. Receiving stream(s): Susquehanna River. Application received: August 31, 2015. Final bond release approved: September 14, 2015.

**60930801. Buffalo Valley Excavating Inc.** (107 Dietrich Road, Mifflinburg, PA 17844). Final bond release for a small industrial minerals surface mine located in West Buffalo Township, **Union County**. Restoration of 2.0 acres completed. Receiving stream(s): Unnamed Tributary to Rapid Run. Application received: August 31, 2015. Final bond release approved: September 21, 2015.

**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*

**24154104. Wampum Hardware Company** (2856 Stoystown Road, Friedens, PA 15541-7020) Blasting activity permit for commercial development in the City of St. Marys and Ridgway Township, **Elk County**. This blasting activity permit expires December 31, 2015. Permit Issued: September 8, 2015.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**63154004. KESCO, Inc.** (215 S. Main Street, Zelenople, PA 16063). Blasting activity permit for the construction of the TOMKO Corporation site development, located in Union Township, **Washington County** with an exploration date of June 30, 2016. Blasting permit issued: September 15, 2015.

**30154003. KESCO, Inc.** (215 S. Main Street, Zelenople, PA 16063). Blasting activity permit for the construction of the Daddy Long Legs well site, to conduct seismic activity located in Center Township, **Greene County** with an exploration date of March 4, 2016. Blasting permit issued: September 15, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 36154138. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Randy Adams Farm II in West Lampeter Township, **Lancaster County** with an expiration date of September 14, 2016. Permit issued: September 17, 2015.

**Permit No. 38154124. Douglas Explosives, Inc.**, (PO Box 77, Philipsburg, PA 16866), construction blasting for Lebanon Valley Advanced Care in Annville Township, **Lebanon County** with an expiration date of December 30, 2015. Permit issued: September 17, 2015.

**Permit No. 67154114. M & J Explosives, LLC**, (P. O. Box 1248, Carlisle, PA 17013), construction blasting for

Glade Village in Penn Township, **York County** with an expiration date of September 9, 2016. Permit issued: September 17, 2015.

**Permit No. 46154110. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lincoln Woods in Franconia Township, **Montgomery County** with an expiration date of September 16, 2016. Permit issued: September 18, 2015.

**Permit No. 46154111. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for FedEx King of Prussia in Upper Merion Township, **Montgomery County** with an expiration date of September 15, 2016. Permit issued: September 18, 2015.

#### 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 appli-

cations 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.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mgs/l (30 day average) to protect stream uses.

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 BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. 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. PA0608238 (Mining Permit No. 56763114), Svonavec, Inc.**, 2555 New Centerville Road, Rockwood, PA 15557, renewal of an NPDES permit for a surface coal operation with sandstone removal and stone crushing facility in Milford Township, **Somerset County**, affecting 96.8 acres. Receiving streams: unnamed tributaries to South Glade Creek, classified for the following use: warm water fishes. This receiving stream is included in the Casselman River TMDL. Application received: September 26, 2014.

All sediment pond outfalls in this permit are the BAT limits described above for coal mining activities in accordance with the Casselman River TMDL Report.

The outfalls listed below discharge to unnamed tributaries to South Glade Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond T-1)	N
002 (Sediment Pond P-1)	N
005 (Treatment Pond T-2)	N
006 (Sediment Pond P-4)	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001 (Treatment Pond)</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)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 005 (Treatment Pond)</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)	1.5	3.0	3.7
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 time.			

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. PA 0609382 (Mining permit no. 17840123), River Hill Coal Company, Inc.**, P. O. Box 147, Kylertown, PA 16847. Revision of an NPDES permit for coal surface mining in Karthaus Township, **Clearfield County** affecting 161.0 acres. Receiving stream(s): Saltlick Run, classified for the following use(s): HQ-CWF. Application received: May 21, 2015.

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
3H	N

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

## 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

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-518—Marcus Hook**, 100 Green Street, Marcus Hook, PA 19061, **Delaware County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the rehabilitation of Dock 1A at the Sunoco Marcus Hook Industrial Complex. Proposed structures will be installed to support the new project delivery system for propane, ethane and butane,

and to support vessel berthing within the Delaware River (WWF/MF). Specific water obstruction and encroachment are:

1. To remove the existing pipeway, platform and H-piles at the turn of Dock 1A.

2. To remove the existing pipeway, platform and H-piles, the existing loading platform with H-piles, the existing walkway leading to the breasting cells, all existing steel beams and cross-bracing associated with the various structures, and the uppermost dolphin and the walkway leading to that dolphin, all along the Dock 1A portion parallel with the river when moving in the upriver direction against the stream flow.

3. To construct and maintain an assortment of auxiliary pile bents to support the proposed pipe support modules along the existing pipeway.

4. To construct and maintain a new 460-feet x 30-feet wide high deck pipeway.

5. To construct and maintain a new high deck roadway approximately 460-feet long by 15-feet wide, moving upriver from the remaining approach way.

6. To construct and maintain a new 144-feet x 126-feet high deck loading platform.

7. To construct and maintain six (6) new 20-feet x 22-feet mooring dolphins; three (3) each upriver and downriver from the two (2) remaining breasting cells. The two (2) remaining breasting cells will be re-rung to a new diameter of 43-feet.

8. To construct and maintain a new 4-feet wide walkway which will be installed connecting the loading platform to each breasting cell and then in turn to each mooring dolphin.

9. To construct and maintain additionally, two (2) new 21-feet x 21-feet and one (1) 21-feet x 16-feet breasting dolphins which will be installed at the face of the loading platform.

10. To construct and maintain a new 20-feet x 23-feet gangway/crane tower which will be installed on the loading platform.

The proposed dock system reconstruction project will be constructed offshore within the Delaware River protruding from the existing Sunoco Industrial Complex terminals in Marcus Hook, Delaware County, with Meridian at the center of the area of the proposed facility. (USGS Quadrangle Marcus Hook -Latitude 39° 48' 33" -Longitude 75° 24' 49").

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*

**E45-593. Brodhead Creek Regional Authority**, 410 Mill Creek Road, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To rehabilitate and maintain a 385-foot long stream enclosure of an Unnamed Tributary to Brodhead Creek (HQ-CWF, MF) comprising of twin corrugated metal pipes which measure 38-inches by 57-inches for the first 40-feet and then 39-inches by 63-inches for the remaining length with work consisting of lining the pipes with 1-inch of concrete. This project also includes the re-grading of an

Unnamed Tributary to Brodhead Creek for approximately 120-feet. The project is located at 410 Mill Creek Road (East Stroudsburg, PA Quadrangle Latitude: 41° 0' 56"; Longitude: -75° 11' 58") in Stroud Township, Pike County. Subbasin: 1E.

**E58-308. Susquehanna County Conservation District**, 88 Chenango Street, Montrose, PA 18801. Great Bend Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a stream restoration project in a 1,536-foot reach of DuBois Creek (CWF, MF) with work consisting of 11 rock cross vanes; 1 rock deflector; 2 mud sill structures; 5 half log structures; 3 j-hooks structures; 1 channel block; several root wads; excavation and backfill in various areas of the channel and embankments; and grading and minor realignment of the channel and floodplain. The project begins approximately 0.39 mile north of the intersection of DuBois Street and Liberty Park Road and extends approximately 1,536 feet upstream from that point (Franklin Forks Quadrangle Latitude: 41°57'12"; Longitude: -75°45'48"). Subbasin: 4E.

**E52-247. Ronald Hextall & Diane Hextall**, 118 Calico Court, Paupack, PA 18451. Palmyra Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an approximately 115-foot long boulder retaining wall having a maximum height of 4-feet; a flagstone patio having dimensions of approximately 8-feet by 115-feet; and three sets of stone stairs in and along the shoreline of Lake Wallenpaupack. The project is located north of the intersection of Calico Court and Calico Point Drive (Hawley, PA Quadrangle Latitude: 41° 24' 58"; Longitude: -75° 13' 31") in Palmyra Township, Pike County. Subbasin: 1C.

**E40-763. Peter and Lesa Butera**, 1634 Meadowlark Road, Wyomissing, PA 19610-2821. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing 896 sq. ft. dock and to construct and maintain a 1,620 sq. ft. lakehouse/dock within the basin of Harveys Lake (HQ-CWF). The project is located approximately at Pole 300, Lakeside Drive (Harveys Lake, PA Quadrangle Latitude: 41°21'7"; Longitude: -76°2'18"). Subbasin: 4G.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E03-464. South Buffalo Township**, 384 Iron Bridge Road, Freeport, PA 16229-2009. White Rocks Road Relocation, South Buffalo Township, **Armstrong County**, Pittsburgh ACOE (Leechburg, PA Quadrangle N: 40° 42' 18"; W: -79° 35' 48").

South Buffalo Township Supervisors propose to relocate White Rocks Road. The new roadway and stream crossings will be located to the north approximately 40 Ft. upstream of the existing structures. The proposed new asphalt roadway will be approximately 18 Ft. wide and approximately 700 Linear Feet in length. The proposed roadway will not be located in the floodplain of the Alleghany River. The proposed roadway will include two crossings of Unnamed Tributaries to the Alleghany River. The first crossing will consist of a 60 Linear Feet, 5 X 5 Ft box culvert. The proposed box culvert will be depressed one foot and include baffles to aid in aquatic passage. The second crossing of a smaller Tributary will consist of a 45 Linear Feet, 15 inch smooth bore corrugated plastic pipe.

The existing roadway and twin 24 inch pipe stream crossing will be removed and restored. The project will permanently impact 0.15 acre of jurisdictional wetlands and will be mitigated at the Alleghany County Wetland Mitigation Bank. The Unnamed Tributaries to the Alleghany River are classified as Warm Water Fisheries by Title 25, Chapter 93 Water Quality Standards.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E04-001-A1, First Energy Generation, LLC**, Bruce Mansfield Plant, P. O. Box 128, State Route 3016, Shippingport, PA 15077, Shippingport Borough, **Beaver County**, ACOE Pittsburgh District.

Has been given consent to amend Permit No. E04-001, for an existing harbor, at the applicant's Bruce Mansfield steam electric generating plant, to construct and maintain a 29' diameter, steel sheet coffer mooring cell, within the Ohio River (WWF, N), within the existing, permitted harbor (USGS Midland, PA Quadrangle, N: 1.35 inches; W: 6.75 inches; Latitude: 40° 37' 56.71"; Longitude: -80° 25' 25.08"). In addition, to construct and maintain a portion of a conveyor system, in the floodplain. The purpose of the project is to convey coal combustion by-products from the plant to barges, for off-site disposal. The plant facility is located at 128 Ferry Hill Road, Shippingport, PA 15077.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E25-772, Annesley Association of Senior Health**, 31 North Park Avenue, Meadville, PA 16335 in Edinboro and Washington Township, **Erie County**, ACOE Pittsburgh District.

Giving its consent to permanently impact approximately 5.21 acres of wetlands for the construction of a planned retirement community consisting of 50 single family residences, an 8 to 10 unit apartment building, and associated infrastructure at a point approximately 0.75 mile west of the US Route 6N and State Route 99 intersection. As mitigation for the water resource impacts, the Permittee will create approximately 6.23 acres of on-site replacement wetlands. (Edinboro North and South, PA Quadrangles N: 41°, 52', 39"; W: -80°, 08', 21").

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA*

**E0829-105: Appalachia Midstream, LLC**, 400 Ist Center Suite 404, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. an 8 inch diameter natural gas line impacting 297 square feet of a Palustrine Scrub-Shrub Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'37", Longitude: -76° 16'42");
2. an 8 inch diameter natural gas line impacting 92 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'38", Longitude: -76° 16'32");
3. an 8 inch diameter natural gas line impacting 88 linear feet of Sugar Run (CWF) and impacting 324 square feet of an adjacent Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'38", Longitude: -76° 16'29");

The project will result in 88 linear feet or 88 square feet of temporary stream impacts and 713 square feet

(0.02 acre) of temporary PEM, PSS and PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford 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.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESX15-019-0028—Gray to Renick Compressor Pipeline Project  
Applicant Stonehenge Appalachia, LLC  
Contact Mr. Patrick Redalen  
Address 11400 Westmoor Circle Ste. 325  
City Westminster State CO Zip Code 80021-2738  
County Butler Township(s) Center & Clay  
Receiving Stream(s) and Classification(s) UNTs to Little Connoquenessing Creek, Little Connoquenessing Creek, UNTs to Stony Run, Stony Run, to Muddy Creek

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESG29-113-15-0001(01)  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Randy DeLaune  
Address 400 1st Center  
City, State, Zip Horseheads, NY 14845  
County Sullivan  
Township(s) Cherry Twp  
Receiving Stream(s) and Classification(s) 1 UNT to Little Loyalsock Creek (EV), 1 UNT to Bowman Creek (EV), Marsh Run (EV), 3 UNT to Marsh Run (EV), Little Loyalsock Creek Watershed, Bowman Creek Watershed, Marsh Run Watershed  
Secondary—Little Loyalsock Creek

ESCGP-2 # ESG29-105-15-0004  
Applicant Name JKLM Energy, LLC  
Contact Person Scott Blauvelt  
Address 2200 Georgetown Drive, Suite 500  
City, State, Zip Sewickley, PA 15143

County Potter  
Township(s) Summit Twp  
Receiving Stream(s) and Classification(s) UNT Nelson Run, UNT W. Br. Pine Creek, W. Br. Pine Creek (HQ-CWF)  
Secondary—Allegheny River, Susquehanna River

ESCGP-2 # ESG29-115-15-0028  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna  
Township(s) Ararat Twp  
Receiving Stream(s) and Classification(s) UNT 29200 to Tunkhannock Creek (EV)  
Secondary—Susquehanna River

ESCGP-2 # ESX11-117-0011(01)  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Chatham Twp  
Receiving Stream(s) and Classification(s) UNT to Crooked Creek (WWF)  
Secondary—Crooked Creek

ESCGP-2 # ESG10-081-0053(01)  
Applicant Name Anadarko E&P Onshore, LLC  
Contact Person Rane Wilson  
Address 33 West Third St., Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cogan House Twp  
Receiving Stream(s) and Classification(s) Larry's Creek (HQ-CWF), & UNT Larry's Creek (HQ-CWF)  
Secondary—West Branch Susquehanna River (WWF), Larry's Creek (HQ-CWF)

ESCGP-2 # ESX10-117-0204(01)  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Middlebury Twp  
Receiving Stream(s) and Classification(s) UNT to Crooked Creek (WWF), UNT to Losey Creek (WWF)  
Secondary—Crooked Creek and Losey Creek

ESCGP-2 # ESX10-117-0267(01)  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Richmond Twp  
Receiving Stream(s) and Classification(s) UNTs to Corey Creek (CWF)  
Secondary—Tioga River

ESCGP-2 # ESX10-117-0066(01)  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Delmar Twp  
Receiving Stream(s) and Classification(s) UNT to Heise Run (CWF)  
Secondary—Marsh Creek

ESCGP-2 # ESX11-117-0081(01)  
 Applicant Name Talisman Energy USA Inc.  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga  
 Township(s) Hamilton Twp  
 Receiving Stream(s) and Classification(s) Coal Creek,  
 Morris Run (CWF)  
 Secondary—Tioga River (CWF)

ESCGP-2 # ESG29-081-15-0023  
 Applicant Name Anadarko E&P Onshore LLC  
 Contact Person Rane Wilson  
 Address 33 West Third St., Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Cascade Twp  
 Receiving Stream(s) and Classification(s) UNT Salt Run  
 (EV), West Branch Wallis Run (EV)  
 Secondary—Salt Run (EV) Wallis Run (EV)

ESCGP-2 # ESX29-115-15-0031  
 Applicant Name SWN Production Company, LLC  
 Contact Person Jeff Whitehair  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna  
 Township(s) Great Bend, New Milford, Oakland Twps  
 Receiving Stream(s) and Classification(s) Lewis Creek  
 (CWF), Deacon Brook (CWF)  
 Secondary—Susquehanna River (WWF)

ESCGP-2 # ESX12-115-0099(02)  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Lauren Miladinovich  
 Address Park Place Corporate Center 2, 2000 Commerce  
 Drive  
 City, State, Zip Pittsburgh, PA 15275-1026  
 County Susquehanna  
 Township(s) Bridgewater Twp  
 Receiving Stream(s) and Classification(s) UNTs to Snake  
 Creek (CWF); Watersheds: Lower Susquehanna/Tunk-  
 hannock

ESCGP-2 # ESX29-115-15-0034  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Michael Tucker  
 Address 400 1st Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn Twp  
 Receiving Stream(s) and Classification(s) UNT to Little  
 Meshoppen Creek, Meshoppen Creek Basin, Middle  
 Susquehanna River Subbasin, Susquehanna River  
 Basin (CWF)  
 Secondary—UNT to Tuscarora Creek, Tuscarora Creek  
 Basin, Middle Susquehanna River Subbasin,  
 Susquehanna River Basin

*Southwest Region: Oil & Gas Program Mgr., 400 Water-  
 front Dr., Pittsburgh, PA*

ESCGP-2 No: ESX15-003-0004  
 Applicant Name: Rice Drilling B LLC  
 Contact Person Joseph C Mallow  
 Address: 400 Woodcliff Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Allegheny Township: North Fayette  
 Receiving Stream(s) and Classifications: (1) UNT to Little  
 Raccoon Run/Ohio River; Other (WWF) Warm Water  
 Fishes

ESCGP-2 No.: ESX15-125-0042  
 Applicant Name: Rice Poseidon Midstream LLC  
 Contact Person: Kyle Shirey  
 Address: 400 Woodcliff Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Somerset  
 Receiving Stream(s) and Classifications: Center Branch  
 Pigeon Creek #34347 (Lower Monongahela River Water-  
 shed); Other WWF

ESCGP-2 No.: ESX15-007-0012  
 Applicant Name: PennEnergy Resources LLC  
 Contact Person: Gregg A Stewart  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Beaver Township(s): New Sewickley  
 Receiving Stream(s) and Classifications: UNT to Brush  
 Creek/Slippery Rock Creek; Other WWF

ESCGP-2 No.: ESG15-059-0031  
 Applicant Name: EQT Production Company  
 Contact Person: Todd Klaner  
 Address: 2400 Zenith Ridge Road, Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene & Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Fonner  
 Run (HQ-WWF), Tenmile Creek (WWF), or Ruff Creek  
 (WWF); HQ

ESCGP-2 No.: ESX15-059-0036  
 Applicant Name: Rice Drilling B LLC  
 Contact Person: Joseph C Mallow  
 Address: 400 Woodcliff Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County Greene Township(s): Jackson  
 Receiving Stream(s) and Classifications: UNT Job Creek,  
 Job Creek, UNT Falling Timber Run; Other TSF

ESCGP-2 No.: ESX13-059-0063  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Gillespie  
 Address: 414 Summers Road  
 City: Charleston State: WV Zip Code: 25301  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: #35437 UNT to  
 Harts Run/Wheeling-Buffalo Creeks; Other WWF

ESCGP-2 No.: ESX14-059-0095  
 Applicant Name: CONE Gathering LLC  
 Contact Person: Carol Phillips  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code 15370  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: 4 UNTs to Enlow  
 Fork/Dunkard Creek; Other Warm Water Fishes

ESCGP-2 No.: ESG14-125-0082  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person: Ms Laura M Rusmisl  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Blaine  
 Receiving Stream(s) and Classifications: UNTs to Buffalo  
 Creek (HQ-WWF), Brush Run (HQ-WWF)/Wheeling-  
 Buffalo Creeks; HQ; Siltation-Impaired

ESCGP-2 No.: ESG15-129-0001 MAJOR REVISION  
 Applicant Name: Apex Energy LLC  
 Contact Person: David Freudenrich  
 Address: 6041 Wallace Road Extension, Suite 100  
 City: Wexford State: PA Zip Code: 15090  
 County: Westmoreland Township(s): Salem  
 Receiving Stream(s) and Classifications: UNT to Beaver  
 Run (HQ-CWF)/Kiskiminetas River (WWF); HQ; Other  
 CWF; Siltation-Impaired



ESCGP-2 NO.: ESX15-059-0035  
 Applicant Name: Rice Drilling BLLC  
 Contact Person: Joseph Mallow  
 Address: 400 Woodcliff Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: UNT Mudlick  
 Fork, UNT South Fork Dunkard Fork/Dunkard Fork;  
 Other TSF/TSF

ESCGP-2 NO.: ESX15-059-0008  
 Applicant Name: EQM Gathering OPCO LLC  
 Contact: Adam M Tobia  
 Address: 625 Liberty Avenue  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Brown  
 Creek/Browns Creek; HQ; Other Warm Water Fishes—  
 WWF

ESCGP-2 NO.: ESX15-059-0006  
 Applicant Name: Chevron Appalachia LLC  
 Contact: Alex Genovese  
 Address: 1550 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Greene Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNTs to South  
 Fork Cross Creek, UNTs to Pumpkin Run, Pumpkin  
 Run/Tenmile Creek; Other WWF

ESCGP-2 NO.: ESX15-125-0030  
 Applicant Name: EQT Production Land PA  
 Contact: Todd Klaner  
 Address: 2400 Zenith Ridge Road, Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: UNTs Hufford  
 Run (TSF), Hufford Run (TSF), UNT Craynes Run  
 (WWF), UNT Tenmile Creek (TSF)/Watershed-Tenmile  
 Creek) Other TSF/WWF

ESCGP-2 NO.: ESX15-003-0005  
 Applicant Name: EQT Production  
 Contact: Todd Klaner  
 Address: 2400 Zenith Ridge Road Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Allegheny Township(s): Forward  
 Receiving Stream(s) and Classifications: UNT to Sunfish  
 Run/Sunfish Run; Other WWF/WWF

ESCGP-2 NO.: ESX15-125-0045  
 Applicant Name: MarkWest Liberty Midstream & Re-  
 sources LLC  
 Contact: Rick Lowry  
 Address: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Chartiers  
 Receiving Stream(s) and Classifications: UNTs to  
 Chartiers Creek; Other WWF; Siltation-Impaired

ESCGP-2 NO.: ESX15-051-0010  
 Applicant Name: Laurel Mountain Midstream Operating  
 LLC  
 Contact: Stephanie Ranker  
 Address: 111 Enterprise Lane  
 City: Connellsville State: PA Zip Code: 15425  
 County: Fayette Township(s): German  
 Receiving Stream(s) and Classifications: Tributary 40222  
 & 40223 of Dunlap Creek/Lower Monongahela River  
 Watershed; Other WWF

ESCGP-2 NO.: ESX15-125-0027  
 Applicant Name: Campbell Oil & Gas Inc  
 Contact: W E Wood  
 Address: PO Box 278  
 City: Indiana State: PA Zip Code: 15701  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: Montgomery  
 Run, Tenmile Creek; Other Trout Stocking Fishes (TSF)

ESCGP-2 NO.: ESX15-125-0027  
 Applicant Name: Campbell Oil & Gas Inc  
 Contact: W E Wood  
 Address: PO Box 278  
 City: Indiana State: PA Zip Code: 15701  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: Montgomery  
 Run, Tenmile Creek; Other Trout Stocking Fishes (TSF)

[Pa.B. Doc. No. 15-1763. Filed for public inspection October 2, 2015, 9:00 a.m.]

## 2016 Environmental Education Grants Program Application Announcement

Applications for the 2016 Environmental Education Grants Program (Program) are now available from the Department of Environmental Protection (Department). The grants provide funding to public and incorporated private schools, colleges and universities, county conservation districts, incorporated nonprofit organizations, along with incorporated conservation and education organizations and institutions, businesses, municipalities and municipal authorities to create or develop projects that support environmental education in this Commonwealth. Grants will provide environmental education on timely and critically important topics for any target audience, including the following:

- *Sustainable Living*—Develop environmental education and outreach programs to encourage sustainable living and reduce environmental impacts. This includes outreach programs on rain gardens, rain barrels, clean energy, energy conservation and efficiency, transportation, improving indoor air quality/radon protection, composting, water conservation and other related topics.

- *Chesapeake Bay and Watershed Education*—Develop environmental education and outreach programs to reduce nonpoint source pollution, along with other water-related educational programs. This includes educational programs on abandoned mine drainage/reclamation, water conservation, private water wells, groundwater, storm water management, cold water habitats, and fisheries and other related topics.

- *Air Quality*—Develop air quality educational and outreach programs, including ground level ozone, climate change, transportation and electricity generation issues.

- *Energy Education*—Develop educational and outreach programs on energy efficiency and conservation, as well as natural gas, coal, wind, solar and other clean energy sources and technologies.

- *Climate Change*—Develop environmental education and outreach programs to address climate change and the potential socio-economic and environmental consequences and mitigation strategies.

- *Brownfields*—Develop educational and outreach programs on brownfield redevelopment and sustainable communities.

- *Environmental Literacy Planning and Program-ming*—Engage educators and stakeholders in content standards and field-based environmental education (EE). Areas of specific focus should include graduation requirements, professional development on EE content knowledge and field-based pedagogy, assessment and evaluation, partnering to build capacity, identifying existing resources and sustainability of programs. Additionally, projects may focus on high performing green schools and buildings, providing high quality programming for children, youth or adults, or both (programs to include science, technology, engineering and mathematics, outdoor education, service learning and ensuring access for participants with disabilities), professional development for formal and nonformal educators environmental service learning programs for youth and adults and environmental careers/green jobs.

- *Formal and Nonformal EE Certification*—Develop and implement institutionalized and community-based certification programs designed for teachers, naturalists and educators working in schools and EE facilities at parks, county conservation districts, nature and EE centers, conservancies, land trusts and more.

- *Natural Landscaping and Trees*—Develop educational outreach programs on native plant landscaping, the social, economic and environmental benefits of trees, riparian buffers and invasive plant management. This includes information on how to sustainably maintain these native landscapes.

- *Connecting Children with Nature*—Develop educational programs or infrastructure for regular, immersive outdoor education.

- *Keystone Energy Education Program*—Form or enhance an energy team with teachers, students, building facility managers and administrators with the goal to reduce the school building's energy use.

- *Curriculum Integration Projects*—Articulate the Academic Standards for Environment and Ecology into the formal K-12 curriculum for the entire school district, private school or charter school.

- *Curriculum Revision Projects*—Revise current (or write new) lesson plans or units to meet the changes identified in the alignment to the Environment and Ecology Standards, Energy Education and provide a means for classroom assessment.

- *Outdoor Learning Resource Projects*—Develop resources such as trails, agricultural demonstration areas, energy demonstration areas, ponds, wetland areas, sheltered learning stations, and the like, as well as similar nearby community resources as a framework from which students can learn about natural systems and the interrelationship among natural and human-made communities or other topics.

- *Field Trips and Hands-on Activity Supplies*—Schools and other organizations can conduct projects and are able to purchase EE hands-on activity supplies or coordinate field trips, or both, for student or adult learning or by conducting teacher education/in-service programs.

The Program was established by the Environmental Education Act (35 P. S. §§ 7521—7528), which mandates setting aside 5% of the pollution fines and penalties collected annually by the Department for environmental education in this Commonwealth.

Environmental education grant awards are limited to \$3,000. This announcement opens on October 5, 2015, and

grant applications submitted to the Department must be postmarked by December 18, 2015.

Applications may be obtained by contacting the Department of Environmental Protection, Environmental Education Grants Program, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1644. For additional information and to obtain the electronic copy of the grants manual and application forms, visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EE Grants).

JOHN QUIGLEY,  
Secretary

[Pa.B. Doc. No. 15-1764. Filed for public inspection October 2, 2015, 9:00 a.m.]

## Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

### Final Technical Guidance Document

*DEP ID:* 263-4200-002. *Title:* Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems. *Description:* Regulated underground storage tank systems (UST) are required by the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104) and related regulations to be protected from corrosion. Regulated USTs that utilize cathodic protection to prevent corrosion must have the cathodic protection evaluated at a minimum every 3 years. Currently, the Storage Tank Program receives cathodic protection evaluation documentation that varies in the level of detail provided by the cathodic protection tester. This inconsistency results in errors in determining compliance at regulated facilities by third-party inspectors and follow-up questions that must be asked by program staff. The purpose of the guidance is to establish guidelines regarding the evaluation of cathodic protection systems operating on USTs in this Commonwealth to promote submission of consistent and complete reports. A UST Cathodic Protection System Evaluation Form has been created to accompany the guidance document. These two documents outline what is

expected when performing cathodic protection evaluations. No revisions to the draft guidance document were made in response to one public comment received.

*Contact:* Questions regarding this technical guidance document should be directed to Kris Shiffer, (717) 772-5809, kshiffer@pa.gov.

*Effective Date:* October 3, 2015

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1765. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Bid Opportunity

**OSM 07(4339)103.1, Abandoned Mine Reclamation Project, Glenwhite (South Site), Logan Township, Blair County.** The principal items of work and approximate quantities include grading 294,500 cubic yards; city cap 54,000 cubic yards; alkaline addition 15,000 tons; mushroom compost 5,230 cubic yards; seeding 54 acres; and tree planting 19,000 trees. This bid issues on October 2, 2015, and bids will be opened on November 10, 2015, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1766. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Draft Assessment and Listing Methodology; Availability for Public Comment

The Department of Environmental Protection (Department) is making available for public comment its draft 2015 Assessment and Listing Methodology (methodology). Sections 303(d) and 305(b) of the Federal Clean Water Act (33 U.S.C.A. §§ 1313(d) and 1315(b)) require states to report on the condition of all their waters in the biennial Integrated Report (report). The methodologies referred to in this public notice will be used, when finalized, to assess the quality of waters in this Commonwealth under this legal mandate.

Stream and lake evaluations presented in the report must be supported by assessment methodologies based on sound science and technical procedures that are clear and complete. The methodology is a compilation of the protocols being used to assess waters that may appear in the 2016 Pennsylvania Integrated Water Quality Monitoring and Assessment Report.

The protocols comprising the methodology describe the field data collection procedures and data analysis methods used to obtain and evaluate water quality data. The individual protocols apply to a wide range of water resource types, data sources and environmental indicators.

The draft methodology is available on the Department's eComment System at <http://www.ahs.dep.pa.gov/eComment>. Because of the large number of pages, the methodology will not be available in hard copy.

The Department will accept comments on the new assessment documents including: Nutrient Impact Assessment; Cause and Effect Surveys; and Bacteriological Sampling Protocol. The Department will also accept comments on the following amended assessment methods from the 2013 Assessment Methodology: Lake Assessment Protocol; Aquatic Macrophyte Cover; Plankton Sampling; and Chlorophyll-a Sampling. The Department will consider all public comments regarding the appropriateness of the narrative, collection methods and data analyses protocols in the methodology.

Interested persons may submit written comments on this Draft Assessment and Listing Methodology by Tuesday, November 17, 2015. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment System at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, [ecomment@pa.gov](mailto:ecomment@pa.gov).

Persons in need of accommodations as provided for in the American with Disabilities Act of 1990 should contact Gary Walters at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5894 (TTD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1767. Filed for public inspection October 2, 2015, 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). This action is taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

On April 18, 2015, 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 Load) in a National Pollutant Discharge Elimination System (NPDES) permit. See 45 Pa.B. 2008 (April 18, 2015). Comments on this proposal were accepted until May 20, 2015.

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.depweb.state.pa.us/npdes-bay](http://www.depweb.state.pa.us/npdes-bay) or the Department's Nutrient Trading Program web site at [www.depweb.state.pa.us/nutrient\\_trading](http://www.depweb.state.pa.us/nutrient_trading).

*Credit Certification*

Effective October 1, 2015, 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. When 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.
- This point source certification will expire on September 30, 2017.
- Beginning October 1, 2015 (Compliance Year 2016), the calculation of credits will be made using new formulas described in the Phase 2 WIP Nutrient Trading Supplement.

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 Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov.

JOHN QUIGLEY,  
Secretary

[Pa.B. Doc. No. 15-1768. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Submission Date for Recycling Program Development and Implementation Grants under Section 902 of Act 101, The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (Department) announces the opening of a new Section 902 grant round to support the development of municipal recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). The application deadline is November 20, 2015.

#### *Application Requirements*

Applicants must be in compliance with the act and the implementing regulations, the Department's Guidelines for Proper Management of Recyclable Materials and any previous grant contract provisions to be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of the act. Applicants who are not in compliance with the act annual reporting requirements or the program requirements of the act of November 9, 2006 (P. L. 1347, No. 140) will not be considered in this grant application round. Municipalities that received funding in the last 902 grant award round in 2015 will not be considered for funding this solicitation period. Programs operating in municipalities covered by land use plans and ordinances (as outlined under the act of June 22, 2000 (P. L. 483, No. 67) and the act of June 22, 2000 (P. L. 495, No. 68)) or projects that are in compliance with their municipality's land use plan will receive priority over similar programs and projects absent these conditions.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.712), also known as the Financially Distressed Municipalities Act, are eligible for 100% of approved costs. No application requesting more than \$250,000 in grant funding will be accepted.

Applicants are required to complete the Sustainability Plan (Plan) portion of the application that includes definitive actions and strategies for optimizing program self-sufficiency. The Plan shall include, at a minimum, strategies for reducing costs and generating revenues, provisions for establishing incentives associated with waste reduction and recycling, mechanisms for public outreach and stakeholder input, and tracking mechanisms to document progress toward sustainability milestones until optimum sustainability is realized. The Department's technical report on Building Financially Sustainable Recycling Programs can provide assistance in developing methods and strategies. The technical report can be found on the Department's web site at [http://www.portal.state.pa.us/portal/server.pt/community/financial\\_assistance/14065/recycling\\_program\\_development\\_and\\_implementation\\_grants\\_/589534](http://www.portal.state.pa.us/portal/server.pt/community/financial_assistance/14065/recycling_program_development_and_implementation_grants_/589534). Applicants that fail to complete the Plan portion of the application will not be considered for funding.

The following will receive priority for funding:

- Development of social media programs for recycling education and information.

- Applicants proposing incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.

- Applicants proposing multimunicipal collection, processing or a materials marketing program where capital costs are reduced or a recycling marketability is enhanced due to intergovernmental cooperation, or both.

- Applicants proposing new or expanded collection, education and outreach for commercial and institutional establishments, including school recycling programs.

In addition, communities whose existing recycling programs contain the following components will receive additional consideration:

- Public provided or municipal contracted waste and recycling services.

- The collection of six or more of the following materials: newsprint; office paper; corrugated paper; other marketable grades of paper; aluminum cans; steel or bimetallic cans; colored glass containers; clear glass containers; and plastics.

#### *Eligibility Requirements*

Only those projects involving municipalities that have a mandatory trash collection program or projects seeking support for a residential recycling program that have a corresponding commercial recycling program will be considered for funding. Applicants seeking funds to replace curbside collection containers or collection vehicles, or both, will need to demonstrate that the new equipment will increase collection efficiencies and tonnage of materials.

#### *Eligibility Costs*

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables (including automated and single-stream collection vehicles); transporting recyclables to processing facilities or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring or renovating buildings, or both, for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements); and the costs associated with educating the public on recycling program requirements. Under this grant solicitation, promotional items, glass crushing equipment (unless specific marketing arrangements have been identified), vehicles equipped with compaction units (except for the sole collection of yard waste, paper fiber or single-stream collection, or both, where a facility equipped to process these material has

been identified), backyard composting units and public recycling containers for parks and streetscapes will not be considered eligible for funding. Other eligible and noneligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be prorated according to its recycling use (no equipment used for recycling less than 50% of the time will be eligible for funding). Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and when the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations when equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

#### *Preapplication Conferences*

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. Applications will be returned to municipalities that fail to schedule a preapplication conference. Grant application forms are available from the Department's regional offices and the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Recycling Grants).

#### *Application Deadline*

Grant applications must be received or postmarked by November 20, 2015. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the Department's Central Office (Rachel Carson State Office Building, Harrisburg) and one copy submitted to the appropriate county recycling coordinator. Grant awards will be based on the funds available in the Recycling Fund.

#### *Contact Information*

Inquiries concerning this notice should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, [mvottero@pa.gov](mailto:mvottero@pa.gov).

**Regional Planning and Recycling Coordinators****Southeast Region**

*Bucks, Chester, Delaware, Montgomery and Philadelphia Counties*

Department of Environmental Protection, Waste Management Program  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5900  
Mary Alice Reisse, Ann Ryan  
mreisse@pa.gov  
aryan@pa.gov

**Northeast Region**

*Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties*

Department of Environmental Protection, Waste Management Program  
2 Public Square  
Wilkes-Barre, PA 18711-0790  
(570) 826-2108  
Berit Case  
bcase@pa.gov

**Southcentral Region**

*Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties*

Department of Environmental Protection, Waste Management Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
(717) 705-4927  
Christopher Bosnyak  
cbosnyak@pa.gov

**Northcentral Region**

*Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties*

Department of Environmental Protection, Waste Management Program  
208 West 3rd Street, Suite 101  
Williamsport, PA 17701  
(570) 321-6533  
Joseph Delgrippe  
jdelgrippe@pa.gov

**Southwest Region**

*Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties*

Department of Environmental Protection, Waste Management Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
(412) 442-4000  
Sharon Svitek, Bradley Cunningham, Bill Jester  
ssvitek@pa.gov  
bcunningham@pa.gov  
wjester@pa.gov

**Northwest Region**

*Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties*

Department of Environmental Protection, Pollution Prevention and Compliance Assistance  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6981  
Regina Schweinsberg  
rschweinsbpa.gov@pa.gov

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1769. Filed for public inspection October 2, 2015, 9:00 a.m.]

**Technical Advisory Committee on Diesel-Powered Equipment Meeting Cancellation**

The Technical Advisory Committee on Diesel-Powered Equipment has cancelled its October 14, 2015, meeting. The next meeting will be held on January 13, 2016, at 10 a.m. in the Department of Environmental Protection Office, 131 Broadview Road, New Stanton, PA.

Questions concerning the meetings can be directed to Allison D. Gaida, (724) 404-3147, agaida@pa.gov.

The agenda and materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (select "Public Participation Center," then "Advisory Committees").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 404-3147, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1770. Filed for public inspection October 2, 2015, 9:00 a.m.]

**DEPARTMENT OF  
GENERAL SERVICES****Lease Office Space to the Commonwealth  
Adams County**

Proposers are invited to submit proposals to the Department of General Services to provide the State Police with 12,570 usable square feet of office/storage space in Adams County. Downtown locations will be considered. For more information on SFP No. 94767, which is due on November 16, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Carol Munley, Bureau of Real Estate, (717) 787-7412, cmunley@pa.gov.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1771. Filed for public inspection October 2, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Kinkora Pythian Home  
25 Cove Road  
Duncannon, PA 17020  
FAC ID # 110902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Shenango Presbyterian SeniorCare  
238 South Market Street  
New Wilmington, PA 16142-1212  
FAC ID # 191102

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(e), (j) and (k):

Vincentian De Marillac  
5300 Stanton Avenue  
Pittsburgh, PA 15206  
FAC ID # 220702

Vincentian Home  
111 Perrymont Road  
Pittsburgh, PA 15237  
FAC ID # 221002

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1772. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Vehicle, Equipment and Supply Requirements for Intermediate Advanced Life Support Services

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), the Department of Health (Department) has the authority to publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction, equipment and supply requirements for

emergency medical services (EMS) agencies based upon the types of services they provide and the EMS vehicles they operate. An EMS agency that is licensed to operate as an intermediate advanced life support (IALS) ambulance service or an intermediate advanced life support squad (IALSS) service by the Department under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies), as well as an applicant for an EMS agency license to operate as an IALS ambulance service or an IALSS service, shall maintain and have readily available in working order the following vehicle, equipment and supply requirements.

#### A. Vehicle Standards

IALS ambulances and IALSS service vehicles shall meet vehicle standards as published at 41 Pa.B. 2296 (April 30, 2011).

#### B. Equipment and Supply Standards

IALS ambulances and IALSS service vehicles shall meet equipment and supply standards for a basic life support (BLS) ambulance or squad vehicle as published at 41 Pa.B. 2296.

#### C. Additional Equipment and Supply Standards

In addition to the equipment and supply standards referenced in section B, IALS ambulances and IALSS service vehicles also shall carry all of the following equipment and supplies. When quantities are listed, the quantities refer to the minimum amount of each item that must be carried. All equipment and supplies shall be carried and readily available in working order for use. All equipment that may be used in direct contact with patients must be free of contaminants and be easily cleaned of blood and body fluids. No drugs or medication may be carried beyond an expiration date assigned to it, unless specifically permitted by policy to address drug shortages. Some patients and crewmembers of an ambulance or squad service may have allergies to latex. Latex free supplies are recommended, when possible.

1. One electronic glucose testing meter.
2. One electronic wave-form capnograph monitor, with two disposable adapters with universal bag valve mask/advanced airway adapters.
3. One 12-lead electrocardiogram with wireless transmission capability.
4. *Medication and Supplies:*
  - a. Unexpired medications (as listed in the notice published at 45 Pa.B. 5451 (August 29, 2015) regarding the required medications list for IALS ambulance services).
  - b. Nebulizer System (1).
  - c. Hypodermic needles, each must be individually wrapped and sterile:
    1. 16-18 gauge (4).
    2. 20-22 gauge (4).
    3. 23-25 gauge (4).
    - d. Two syringes, including at least one syringe with a 1 mL volume.
  5. CPAP Ventilation-portable equipment, with two disposable masks.
  6. *IV fluid therapy supplies (per Statewide IALS protocols):*
    - a. Catheters over the needle, gauge sizes: 14, 16, 18, 20, 22 (four of each size) and 24 (2).
    - b. Macro drip 10-20 drops/mL intravenous infusion tubing (2).
    - c. Normal saline IV solutions (2,000 mL minimum).
    - d. Tourniquets for IV and phlebotomy (2).

7. *Nonsurgical Alternative/Rescue Airways either of the following:*

- a. Combitubes™: one small adult and one adult
- b. King LT™: (3 total)—sizes 3, 4 and 5.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Richard L. Gibbons, Bureau Director, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Build-

ing, 625 Forster Street, Harrisburg, PA 17120-0710, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1773. Filed for public inspection October 2, 2015, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on September 17, 2015, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length-each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 1012	From PA 492 to SR 1021	Susquehanna	6.2
SR 1021	From PA 492 to SR 1012	Susquehanna	4.6

Questions should be directed to Matthew Hedge at (717) 772-5462.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 15-1774. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Thursday, October 8, 2015, from 10 a.m. to 12 p.m. in Conference Room 8N1 of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Ellen E. Sweeney, (717) 787-2913, [ellsweeney@pa.gov](mailto:ellsweeney@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 15-1775. Filed for public inspection October 2, 2015, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, September 17, 2015, and announced the following:

### Action Taken—Regulations Approved:

Philadelphia Parking Authority #126-10: Image Retention and Use (establishes 52 Pa. Code § 1017.78 and amends § 1021.12)

### Approval Order

Public Meeting Held  
September 17, 2015

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

### Philadelphia Parking Authority— Image Retention and Use Regulation No. 126-10 (#3081)

On October 29, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Philadelphia Parking Authority (PPA). This rulemaking establishes 52 Pa. Code § 1017.78 and amends § 1021.12. The proposed regulation was published in the November 15, 2014 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 17, 2015.

This regulation establishes requirements relating to the limited retention of safety camera images.



We have determined this regulation is consistent with the statutory authority of the PPA (53 Pa.C.S.A. § 5722) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 15-1776. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meetin</i>
12-100	Department of Labor and Industry Uniform Construction Code	9/22/15	11/12/15

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 15-1777. Filed for public inspection October 2, 2015, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Anastasios Kalomiris and Arleen Dunn; file no. 15-198-187709; Erie Insurance Exchange; Doc. No. P15-09-016; October 29, 2015, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of

coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1778. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Room 2018, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Millville Mutual Insurance Company; file no. 15-198-186803; David L. Bemis; Doc. No. P15-08-009; November 18, 2015, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1779. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insureds' homeowners policy. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Room 2018, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Donald and Mary Covert; file no. 15-119-187538; Foremost Property and Casualty Insurance Company; Doc. No. P15-09-007; November 18, 2015, 10 a.m.

Appeal of Anna J. Wasek; file no. 15-188-185750; NGM Insurance Company; Doc. No. P15-07-019; November 18, 2015, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1780. Filed for public inspection October 2, 2015, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pro Forma Internal Corporate Restructuring

**A-2015-2504709. TTI National, Inc.** Application of TTI National, Inc. for approval of a pro forma internal corporate restructuring.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 19, 2015. 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:* TTI National, Inc.

*Through and By Counsel:* Suzan D. Paiva, Esquire, Verizon, 1717 Arch Street, 3rd Floor, Philadelphia, PA 19103

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1781. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it ap-

plies 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 October 19, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2015-2487851. MTR Transportation, Inc., t/a K-Cab Co.** (P. O. Box 274, Mifflinville, PA 18631) for the right to begin to transport, by motor vehicle, persons, upon call or demand, in the Borough of Washingtonville, and the Townships of Anthony, Derry, Liberty, Limestone, Mayberry, Valley and West Hemlock, Montour County. *Attorney:* Lloyd R. Persun, Persun & Heim, PC, 1700 Bent Creek Boulevard, Suite 160, Mechanicsburg, PA 17050.

**A-2015-2497610. Jason Litigation Support Services, LLC** (211 Moosic Street, Olyphant, PA 18447) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Columbia, Lackawanna, Lehigh, Luzerne, Lycoming, Monroe, Northampton, Northumberland, Philadelphia, Pike and Schuylkill, to points in Pennsylvania, and return.

**A-2015-2503365. Ride Along Transportation, LLC** (P. O. Box 56174, Philadelphia, Philadelphia County, PA 19147) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to correctional facilities in Pennsylvania, and return.

**A-2015-2503569. Three Rivers Transportation, LLC, t/a Transport VIP** (6 Market Square, Pittsburgh, Allegheny County, PA 15222) in paratransit service, limited to persons who are unable to own or operate a motor vehicle, between points in Pennsylvania.

**A-2015-2504499. Halal Traveling, LLC** (2112 Dorrance Street, Philadelphia, Philadelphia County, PA 19145) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to correctional facilities in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-2015-2504430. Go Green Taxi, LLC** (140 South 17th Street, Harrisburg, Dauphin County, PA 17104) upon call or demand, in the City of Harrisburg, Dauphin County, and within an airline distance of 10 statute miles of the limits of the said city, which is to be a transfer of all rights authorized under the certificate issued at A-00121832 to AAA Alpine Taxicab Company, LLC, subject to the same rights and limitations. *Attorney:* William E. Lehman, Micah R. Bucy, Hawke McKeon & Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2014-2435970 (Revised). Hindman & Isaacs Moving & Storage, Inc.** (1887 Sandy Lake-G.C. Road, Jackson Center, Butler County, PA 16133-2525) household goods in use, between points in Pennsylvania. *Attorney:* John A. Pillar, 150 Green Commons Drive, Pittsburgh, PA 15243.

**A-2015-2500663. Make Moves, LLC** (525 East Main Street, Carnegie, Allegheny County, PA 15106) household goods in use, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland, to points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, 150 Green Commons Drive, Pittsburgh, PA 15243.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2015-2483029. Haverford Movers, LLC** (203 Oakwynne Road, Broomall, PA 19008) a limited liability company of the Commonwealth of Pennsylvania, at Doc. No. A-2011-2258758 for the approval to transfer 51% of the capital stock of Haverford Movers, LLC, held by James Matsko to Constance Matsko.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2015-2502626. Harold K. Witmer, t/a H. K. Pickup & Delivery** (743 Ranck's Church Road, New Holland, Lancaster County, PA 17557) discontinuance of service and cancellation of its certificate, as a common carrier, persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa, limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1782. Filed for public inspection October 2, 2015, 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 October 19, 2015, 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. Gay Y. English, t/a Willow Springs Farm; Docket No. C-2015-2497194**

**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 Gay Y. English, t/a Willow Springs Farm, (respondent) is under suspension effective July 15, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1205 Mosquito Valley Road, Williamsport, PA 17702.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 09, 2011, at A-8913460.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8913460 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: 8/12/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's 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.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Best Transit, Inc.;**  
**Docket No. C-2015-2497317**

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 Best Transit, Inc., (respondent) is under suspension effective July 23, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P. O. Box 56581, Philadelphia, PA 19111-6581.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 19, 2010, at A-2009-2137794.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 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-2009-2137794 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: 8/12/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's 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.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Blackhawk Trucking, Inc.; Docket No. C-2015-2497713**

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 Blackhawk Trucking, Inc., (respondent) is under suspension effective July 28, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 302 Walters Lane, Cresson, PA 16630.
3. That respondent was issued a Certificate of Public Convenience by this Commission on July 5, 2006, at A-00122305.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 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-00122305 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: 8/12/2015

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current

insurance in accordance with the Commission's 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.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1783. Filed for public inspection October 2, 2015, 9:00 a.m.]

### Water and Wastewater Services

**A-2015-2504889, A-2015-2504891, A-2015-2504892, A-2015-2504893, A-2015-2504894 and A-2015-2504895. Community Utilities of Pennsylvania, Inc., Penn Estates Utilities, Inc. (water and wastewater), Utilities, Inc.—Westgate and Utilities, Inc. of Pennsylvania.** Joint application of Community Utilities of Pennsylvania, Inc., Penn Estates Utilities, Inc. (water and wastewater), Utilities, Inc.—Westgate and Utilities, Inc. of Pennsylvania for approval of: 1) the merger of Penn Estates Utilities, Inc. (water and wastewater), Utilities, Inc.—Westgate and Utilities, Inc. of Pennsylvania into Community Utilities of PA, Inc.; 2) the issuance of a certificate of public convenience for Community Utilities of PA, Inc. to begin to provide water and wastewater service to the public in this Commonwealth; and 3) the right of Penn Estates Utilities, Inc. (water and wastewater), Utilities, Inc.—Westgate and Utilities, Inc. of Penn-

sylvania to abandon their certificates of public convenience as a water or wastewater utility, or both, 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 October 19, 2015. 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:* Community Utilities of Pennsylvania, Inc.; Penn Estates Utilities, Inc.; Utilities, Inc.—Westgate; Utilities, Inc. of Pennsylvania

*Through and By Counsel:* Thomas J. Sniscak, Esquire, William E. Lehman, Esquire, Hawke, McKeon & Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1784. Filed for public inspection October 2, 2015, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority will accept sealed proposals for Project No. 15-108.P, Request for Proposal for Port Administration Building Network and Communications Infrastructure Upgrades, until 2 p.m. on Thursday, November 5, 2015. Information (including mandatory preproposal information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1785. Filed for public inspection October 2, 2015, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at September Meeting

As part of its regular business meeting held on September 10, 2015, in Binghamton, NY, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) approved a request from Panda Power Funds for transfer of ownership of Hummel Station, LLC; 3) accepted a settlement instead of penalty from Downs Racing, LP; and 4) took additional actions, as set forth in the following Supplementary Information.

For further information, contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent

to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. See also the Commission web site at [www.srbcc.net](http://www.srbcc.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) adoption of revisions to Resolution No. 2013-11; 2) release of proposed rulemaking to address shortcomings in the rules for transfer of approvals, create a category for minor modifications, establish a procedure for issuing general permits and address other minor enhancements; 3) adoption of amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; 5) approval of grants; 6) a report on delegated settlements with the following project sponsors, under the Commission's Resolution 2014-15: Aqua Pennsylvania, Inc. in the amount of \$6,000; Conyngham Borough Authority in the amount of \$5,000; Keister Miller Investments, LLC in the amount of \$2,000; Susquehanna Gas Field Services, LLC in the amount of \$2,500; and Wynding Brook, Inc. d/b/a Wynding Brook Golf Club in the amount of \$5,000; and 7) approval to extend the term of emergency certificates with Aqua Pennsylvania, Inc. to September 1, 2016, and with Furman Foods, Inc. to December 3, 2015.

#### *Compliance Matter*

The Commission approved a settlement instead of civil penalty for the following project:

1. Downs Racing, LP, Plains Township, Luzerne County, PA—\$25,000.

#### *Project Applications Approved*

The Commission approved the following project applications:

1. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, PA. Groundwater withdrawal of up to 0.673 mgd (30-day average) from Well 7.
2. Project Sponsor and Facility: Chetremon Golf Course, LLC, Burnside Township, Clearfield County, PA. Consumptive water use of up to 0.200 mgd (peak day).
3. Project Sponsor and Facility: Chetremon Golf Course, LLC (Irrigation Storage Pond), Burnside Township, Clearfield County, PA. Surface water withdrawal of up to 0.200 mgd (peak day).
4. Project Sponsor and Facility: Chief Oil & Gas, LLC (Loyalsock Creek), Forksville Borough, Sullivan County, PA. Surface water withdrawal of up to 1.500 mgd (peak day).
5. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 1.
6. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 4.
7. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 5.
8. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 6.

9. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Groundwater withdrawal of up to 0.345 mgd (30-day average) from Well 7.

10. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Consumptive water use of up to 0.499 mgd (peak day).

11. Project Sponsor and Facility: Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, PA. Surface water withdrawal of up to 1.000 mgd (peak day).

12. Project Sponsor and Facility: Lycoming County Water and Sewer Authority, Fairfield Township, Lycoming County, PA. Groundwater withdrawal of up to 0.180 mgd (30-day average) from Production Well 3.

13. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Consumptive water use of up to 0.092 mgd (peak day).

14. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Groundwater withdrawal of up to 0.062 mgd (30-day average) from Production Well 1.

15. Project Sponsor and Facility: Seneca Resources Corporation (Marsh Creek), Delmar Township, Tioga County, PA. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20110907).

16. Project Sponsor and Facility: Shrewsbury Borough, York County, PA. Renewal and modification to increase groundwater withdrawal by an additional 0.024 mgd (30-day average), for a total of up to 0.089 mgd (30-day average) from the Blouse Well (Docket No. 19820103).

17. Project Sponsor and Facility: Shrewsbury Borough, York County, PA. Renewal of groundwater withdrawal of up to 0.099 mgd (30-day average) from the Smith Well (Docket No. 19811203).

18. Project Sponsor and Facility: Talisman Energy USA, Inc. (Wappasening Creek), Windham Township, Bradford County, PA. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20110621).

19. Project Sponsor: UGI Development Company. Project Facility: Hunlock Creek Energy Center, Hunlock Township, Luzerne County, PA. Modification to increase consumptive water use by an additional 1.526 mgd (peak day), for a total of up to 2.396 mgd (peak day) (Docket No. 20090916).

20. Project Sponsor and Facility: XTO Energy, Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, PA. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20110911).

#### *Project Applications Tabled*

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).
2. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).
3. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application



for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).

4. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, PA. Application for groundwater withdrawal from Argyle Stone Bridge Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

5. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, PA. Application for groundwater withdrawal from Cresson No. 9 Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

6. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, PA. Application for groundwater withdrawal from Gallitzin Shaft Well 2A (Gallitzin Shaft #2) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

7. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, PA. Application for groundwater withdrawal from Gallitzin Shaft Well 2B (Gallitzin Shaft #1) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

8. Project Sponsor and Facility: SWN Production Company, LLC (Tioga River), Hamilton Township, Tioga County, PA. Application for surface water withdrawal of up to 2.000 mgd (peak day).

*Request for Conditional Transfer Approved*

The Commission approved the following request for conditional transfer:

1. Panda Power Funds request for transfer of ownership of Hummel Station, LLC (Docket Nos. 20081222 and

20081222-2). Transferred dockets will include modification of conditions requiring mitigation of all consumptively used water.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* September 22, 2015.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 15-1786. Filed for public inspection October 2, 2015, 9:00 a.m.]

## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Proposal

Thaddeus Stevens College of Technology will be issuing a Request for Proposal (RFP 15-0964) for lease of real property. The following are the requirements: minimum of 1,000 amp electrical service with 208/230 volt—3 phase; minimum of 50 parking spaces; maximum distance from main campus of 3 1/2 miles to permit shuttle service; minimum ceiling height of 14 feet; minimum office/classroom space of 4,000 square feet; access to at least one loading dock and one at grade level loading/unloading access; equipment bearing floor—minimum of 6-inch concrete; predominantly clear span area to facilitate instruction; and minimum total clear span area—20,000 square feet.

Request for proposals can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 15-1787. Filed for public inspection October 2, 2015, 9:00 a.m.]