

# NOTICES

## BOARD OF COAL MINE SAFETY

### Meeting Rescheduled

The Board of Coal Mine Safety meeting originally scheduled for Tuesday, June 4, 2019, has been rescheduled to Tuesday, June 11, 2019, at 10 a.m. in Conference Rooms 1A and 1B, Department of Environmental Protection Cambria Office, 286 Industrial Park Road, Ebensburg, PA.

Questions concerning the June 11, 2019, meeting can be directed to Peggy Scheloske, Bureau of Mine Safety, at mscheloske@pa.gov or (724) 404-3143. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental

Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Board of Coal Mine Safety").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske directly at (724) 404-3143, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 19-693. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending April 30, 2019.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-22-2019	S & T Bank Indiana Indiana County	2032 Front Street Cuyahoga Falls Summit County, OH	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-26-2019	First Commonwealth Bank Indiana Indiana County	<i>To:</i> Fifth Avenue and Market Street McKeesport Allegheny County  <i>From:</i> 225 Fifth Avenue McKeesport Allegheny County	Approved
04-26-2019	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 4015 Freeport Road Natrona Heights Allegheny County  <i>From:</i> 1880 Heights Plaza Natrona Heights Allegheny County	Approved

### CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-694. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Summary Notice of the Availability of the Draft 2019—2023 Consolidated Plan and 2019 Annual Action Plan; Public Hearing

The Department of Community and Economic Development (Department) announces the availability of the Commonwealth's draft Federal Fiscal Year (FFY) 2019—2023 and the FFY 2019 Annual Action Plan. The Consolidated Plan is a document submitted to the United States Department of Housing and Urban Development (HUD). The Consolidated Plan is a plan identifying the needs of the nonentitlement areas of the State for the next 5-year period. The Annual Action Plan is also submitted to HUD as the annual application for Federal funds administered by the Commonwealth. The HUD funding programs covered by the Plan and administered by the Department are the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), the Emergency Solutions Grant (ESG) programs, Community Development Block Grant—Disaster Recovery (CDBG-DR) and Neighborhood Stabilization Program (NSP). Also covered by the Plan is the Housing Opportunities for Persons with AIDS (HOPWA) program which the Department of Health administers and the National Housing Trust Fund (HTF) which is administered by the Pennsylvania Housing Finance Agency.

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations in this Commonwealth to comment about the Plans prior to its submission to HUD. Comments may be electronically submitted to the Department by e-mail to RA-DCEDcdbghomequestions@pa.gov. Written comments should be submitted to Megan L. Snyder, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Electronic and written comments must be received by 4 p.m. on Tuesday, June 11, 2019, to be included as testimony in the Plan.

#### *Purpose of the Consolidated Plan*

The Consolidated Plan contains a Needs Assessment and Market Analysis for the Commonwealth in the areas of housing, homelessness, community and economic development. From this information a Strategic Plan including goals and objectives has been developed and outlined in the Consolidated Plan determining the use of the Federal funding for fiscal years 2019—2023. The Consolidated Plan has a major impact on the type, location and number of affordable housing units generated and preserved in this Commonwealth. Also, the Consolidated Plan aides in planning for the use of funding for the homeless and those residents with AIDS to find permanent housing and stability. The Consolidated Plan identifies resources for improvement or creation of infrastructure, public facilities, services, and other economic and community development initiatives in communities in this Commonwealth that are essential for growth over the next 5 years.

The goals developed for the 2019—2023 programs are:

#### **I. Affordable Housing**

Improve access to the full spectrum of quality affordable housing for Pennsylvanians.

a. Increase the supply of affordable housing opportunities through development of new housing units for rental or homeownership opportunities and preserve the long-term affordability of homes through rehabilitation of existing vacant or owner-occupied units.

b. Provide direct housing assistance to assist potential buyers to purchase a home, rapidly house those who are homeless or prevent or divert homelessness.

c. Provide housing services and supports in the form of counseling—homebuyer or rental and case management services to ensure persons are and remain stably housed.

#### **II. Community Stabilization**

Prevent and arrest the decline of Pennsylvania neighborhoods and promote revitalization.

a. Support targeted code enforcement.

b. Demolish vacant, blighted buildings.

c. Cleanup of contaminated properties.

d. Support strategic acquisition and disposition activities.

#### **III. Public Facility and Infrastructure**

Acquisition, construction, installation, rehabilitation, or improvement of facilities to support safe, sustainable, resilient communities.

a. Water, sewer, or storm systems.

b. Park, recreation, youth, or senior facilities.

c. Streets and sidewalk improvements.

d. Health and safety facilities.

e. Increase access to broadband infrastructure.

#### **IV. Public Services**

Provide public services to ensure all Pennsylvanians have access to opportunities to improve their quality of life (non-homeless).

#### **V. Economic Development**

Develop opportunities to improve the economic environment by creating or retaining business and employment opportunities for low income and diverse Pennsylvanians.

a. Create and retain jobs.

b. Create and expand businesses.

#### **VI. Community Planning and Capacity Building**

Encourage local and regional planning activity to facilitate understanding of current housing, community development, and resiliency needs and develop a plan for their sustainable future.

a. Provide training and technical assistance to communities to build their capacity to address housing and community development needs.

b. Assist communities to identify achievable goals to further community needs.

c. Align community goals with funding opportunities to meet those goals.

#### *Purpose of the Action Plan*

The Annual Action Plan takes the strategy developed in the Consolidated Plan and applies it to the administration of the CDBG, HOME, ESG, CDBG-DR, NSP, HOPWA and HTF programs for 2019. HUD must approve the Plan for this Commonwealth to receive funding under the identified HUD programs.

*Allocations for 2019*

CDBG	\$39,785,393
HOME	\$18,661,120
ESG	\$5,769,743
HOPWA	\$3,546,141
HTF	\$6,879,626

*Content*

The 2019 Annual Action Plan will include the Methods of Distribution for all Federal programs, as well as the anticipated outcomes expected during the 2019 calendar year. Besides the Department's web site, <http://dced.pa.gov>, the approved plan will be able to be viewed on HUD's web site at <https://www.hudexchange.info/consolidated-plan/con-plans-aaps-capers/>.

*Major Changes in the Method of Distribution for 2019 by Program**CDBG—**Entitlement—*

a. Recaptured funds will be allocated with the next round of competitive awards per grant-based accounting requirements that meet the competitive program criteria.

b. If the State's CDBG allocation is not sufficient to meet the base amount for any class of municipality, the allocation for that class will be divided equally between the entitlements.

*Competitive—*

## a. The priorities:

1. Water and sewer projects that impact health and safety of residents.
2. Impactful neighborhood streetscapes.
3. Slum and blight removal for community revitalization.
4. Resiliency projects.

Further information on these priorities can be found in the 2019 Annual Action Plan—Methods of Distribution or the Application Kit for the Competitive Program.

b. Minimum threshold amount of \$100,000 and no maximum amount may be requested.

*CDBG-DR*—Should funding become available, the Department will follow the required procedures for undertaking amendments as per Disaster Recovery Program regulations.

*HOME—*

a. Remove the set-aside for the Weatherization Deferral Assistance. This activity can be requested in the normal competitive process.

b. The Existing Owner-Occupied Housing Rehabilitation activity will target projects that provide accessibility renovations or partner with Weatherization programs, or both, to address their deferral clients.

c. HOME participating jurisdictions (PJ), other than the State, must commit their own HOME funds to the same project being requested for, in addition to other local funding.

d. All projects, including Community Housing Development Organization and other HOME PJs, must be consistent not only with the State's Consolidated Plan but also their own Consolidated Plan, if applicable.

*ESG—*

a. Applicants must show they have the capacity to meet all program requirements for the activities they apply for.

b. Expenditure rates: 25% of the funding must be expended within the first 5 months of the grant. 75% of the grant must be expended within 13 months of the grant and 100% expended by the end of the 18-month contract period.

c. Minimum grant amount that can be applied for is \$35,000.

d. Emergency shelter operations requests may only be for 20% of the total shelter operations budget.

*HOPWA—No Changes**Housing Trust Fund—No Changes**Public Review*

The 2019 Annual Action Plan is available on the Internet or in hard copy for public comment from May 11, 2019, through June 12, 2019. CD copies of the 2019 Annual Action Plan can be obtained by calling (717) 720-7404.

*Written Comments*

Comments may be electronically submitted to the Department by e-mail to [RA-DCEdcdhomequestions@pa.gov](mailto:RA-DCEdcdhomequestions@pa.gov). Written comments should be submitted to Megan L. Snyder, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by 4 p.m. on Wednesday, June 12, 2019, to be included as testimony in the Annual Action Plan.

*Public Hearing*

The public hearing for the 2019—2023 Consolidated Plan and 2019 Annual Action Plan will be conducted electronically, by means of the Internet/conference call on Thursday, May 30, 2019. The public hearing by means of the Internet/conference call will be held at 1 p.m. and will last as long as there are comments to be received. This more widely available computer access/conference call will replace the onsite public hearing. The format will be more accessible than an in-person meeting because those who wish to make comment or discuss policy may participate directly from their electronic device, telephone or from a computer located at their public library. Interested parties may also attend the public hearing in person at the Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA.

Any individual or organization may give testimony or comments by means of the Internet. Comments will be accepted on the content of the Commonwealth's draft Consolidated Plan or 2019 Annual Action Plan, or both, for FFY 2019 including the various changes to the method of distribution already previously outlined, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Individuals who wish to participate must register in advance. Contact Megan L. Snyder at (717) 720-7404 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. During the

hearing, if support is required, call (717) 787-5327. The hearing will be shortened if there is no one to testify or there is minimal response.

Persons with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-

0225 or at (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 19-695. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

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

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

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

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

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

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

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

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

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



**I. NPDES Renewal Applications.**

*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>
PA0070190 (Sew)	Allegheny East Conference P.O. Box 266 Pine Forge, PA 19548	Berks County/ Douglass Twp	Manatawny Creek/13-D	Y

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0098761 (Sewage)	Nemacolin Woodlands Resort 1001 Lafayette Drive Farmington, PA 15437	Fayette County Wharton Township	Deadman Run (HQ-CWF) (19-E)	Yes
PA0096466 (Sewage)	PA Services STP P.O. Box 1020 158 Portal Road Waynesburg, PA 15370-3020	Greene County Franklin Township	Unnamed Tributary to Smith Creek (WWF) (19-B)	Yes
PA0093556 (Sewage)	Bethel Court Plan STP 120 Commonwealth Drive Suite 101 Lemont Furnace, PA 15456-1003	Fayette County North Union Township	Unnamed Tributary of Redstone Creek (WWF) (19-C)	Yes
PA0024082 (Sewage)	Avonmore Borough STP 124 Park and Pool Road New Stanton, PA 15672	Westmoreland County Avonmore Borough	Kiskiminetas River (WWF) (18-B)	Yes

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAS328308 (Storm Water)	O-Tex Pumping Fenelton Facility 2916 Old Route 422 East Fenelton, PA 16034	Butler County Clearfield Township	Unnamed Tributary to the Buffalo Creek (HQ-TSF) (18-F)	Yes
PA0222411 (Sewage)	Frank A. Leonard SFTF 20 Carey Farms Road Erie, PA 16511	Erie County Harborcreek Township	Lake Erie (15-A)	Yes

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

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**Application No. PA0247146, Concentrated Animal Feeding Operation (CAFO),** Wannans Pride N Joy Farm (Wannans Pride N Joy Farms Home Farm CAFO), 5800 Wannan Road, Narvon, PA 17555-9646.

Wannans Pride N Joy Farm has submitted an application for a renewal of an CAFO known as Wannans Pride N Joy Farms Home Farm CAFO, located in Salisbury Township, **Lancaster County**.

The CAFO is situated near White Horse Run (WWF, MF) and White Horse Run (WWF) in Watershed 7-K, which is classified for Migratory Fishes and Warm Water Fishes. The CAFO is designed to maintain an animal population of approximately 1,594.15 animal equivalent units (AEUs) consisting of 815 cows, 320 heifers, and 220 calves. Manure is stored in a 2-stage lagoon system after being sent through a digester. There is also a slurrystore on site available for emergency storage. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0272141**, Sewage, SIC Code 8800, **Arthur Sperring Jr.**, 1776 S Neshannock Road, Hermitage, PA 16148. Facility Name: Arthur Sperring SRSTP. This proposed facility is located in Hermitage City, **Mercer County**.

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

The receiving stream(s), West Branch Little Neshannock Creek (TSF), is located in State Water Plan watershed 20-A 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0239046**, Industrial, SIC Code 3399, **Ridgway Powdered Metals, Inc.**, P.O. Box 398, Ridgway, PA 15853-0398. Facility Name: Ridgway Powdered Metals. This existing facility is located in Ridgway Township, **Elk County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream, an Unnamed Tributary to the Elk Creek (CWF), is located in State Water Plan watershed 17-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0091 MGD.—Limits.

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

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

- Chemical Additives

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.

**PA0218081**, Industrial, SIC Code 3547, **Whemco Steel Castings Inc.**, 601 West 7th Avenue, Homestead, PA 15120-1064. Facility Name: Whemco Steel Castings Inc. This existing facility is located in West Homestead Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving streams, Monongahela River, West Run, and Streets Run, are located in State Water Plan watershed 19-A and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.

The proposed effluent limits for Outfall 014 are based on a design flow of 0 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.029 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Lead, Total (Interim)	Report	XXX	XXX	Report	XXX	XXX
Lead, Total (Final)	0.011	0.018	XXX	0.049	0.077	0.12

The proposed effluent limits for Outfall 106 are based on a design flow of 0.029 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	15.0	40.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	10.0	XXX
Iron, Total	XXX	XXX	XXX	3.4	6.8	XXX

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.

**PA0272124**, Sewage, SIC Code 4952, 8800, **William Bogue**, 431 E Townhall Road, Waterford, PA 16441-4217. Facility Name: William Bogue SRSTP. This proposed facility is located in Summit Township, **Erie County**.

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

The receiving stream is an unnamed tributary of Walnut Creek, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Temporary treatment unit sludge storage is provided for later off-site disposal.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P.S. §§ 691.1—691.1001).

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 1519402**, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Proposed townhomes drip irrigation system.

*Southwest Region: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 0219400**, Sewage, **PA American Water Co.**, 100 Atlantic Avenue, McKeesport, PA 15132-3807.

This proposed facility is located in Dravosburg Borough, **Allegheny County**.

Description of Proposed Action/Activity: construction of sewers, pump station and force main for unsewered areas.

**WQM Permit No. 0216408 A-1**, Sewage, **Pleasant Hills Borough Allegheny County**, 410 E Bruceton Road, Pleasant Hills, PA 15236-4504.

This existing facility is located in Pleasant Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: Replacement of the existing Tassel Lane Pump Station and force main with a new submersible type pump station and new 4 inch diameter force main approximately 720 feet in length.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 6219405**, Sewage, **Aaron A Mocny**, 2338 Priest Hollow Road, Russell, PA 16345-5404.

This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

## **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities.**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390126	Grim's Orchard & Family Farms 9941 Schantz Rd Breinigsville, PA 18031	Lehigh	Upper Macungie Twp	UNT to Schaefer Run (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347.*

### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450082	Trap Enterprises LLC 41 Mtn View Dr Tannersville, PA 18372	Monroe	Pocono Twp	Scot Run (HQ-CWF, MF)
PAD450083	Middle Smithfield Materials P.O. Box 674 Bushkill, PA 18324	Monroe	Middle Smithfield Twp	UNT to Bushkill Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, 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>
PAD060031	Hofmann, LLC 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	Berks	Sinking Spring Borough	Cacoosing Creek (CWF) Wyomissing 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.*

**NPDES Permit No. PAG123886**, CAFO, **Eric Newswanger**, 107 Awol Road, Jonestown, PA 17038.

This proposed facility is located in Union Township, **Lebanon County**.

Description of size and scope of proposed operation/activity: Poultry (Broilers), Beef (Finishers): 600.53 AEUs.

The receiving stream, Unnamed Tributary of Swatara Creek (WWF, MF), is in watershed 7-D and classified for: Migratory Fishes and Warm Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no



other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**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.

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Stahl Family Farms, LLC 4089 Produce Rd. Selinsgrove, PA 17870	Snyder	116.65 Manure Application	1,434.3	Swine/Dairy	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available

for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<b>Permit No. 6610044</b> , Public Water Supply.	
Applicant	<b>Sugarcreek Borough</b>
Township or Borough	Sugarcreek Borough
County	<b>Venango</b>
Responsible Official	Joseph Sporer
Type of Facility	Public Water Supply

Consulting Engineer Christina Sporer  
Arcadas US, Inc.  
6041 Wallace Road  
Suite 300  
Wexford, PA 15090

Application Received Date April 17, 2019

Description of Action Repairs to Rte 417 Water Tank.  
**Permit No. 6119501**, Public Water Supply.

Applicant **Aqua PA**

Township or Borough Emlenton Borough

County **Venango**

Responsible Official Zach Martin

Type of Facility Public Water Supply

Consulting Engineer Mark Widdersheim  
Entech Engineering  
400 Rouser Road  
Coraopolis, PA 15108

Application Received Date April 23, 2019

Description of Action Improvements to WTP to ensure that disinfection requirements are met.

#### **Biosolids Individual Permits (PABIG and PABIS).**

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Persons wishing to comment on a proposed permit are invited to submit statements to the responsible Department Regional Office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Management Regional Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, comments received, and other information on file, may be inspected and arrangements made for copying at the Pennsylvania Department of Environmental Protection, Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**PABIS 3501. Municipal Authority of the Borough of Bedford**, Bedford County, Bedford Borough, 244 West Penn Street, Bedford, PA 15522 has applied to beneficially use their biosolids on the Natali Brother Farm in Colerain Township, **Bedford County**.

Special Condition: The permittee must notify the Regional DEP Staff 48 hours prior to each anticipated land application event at this site.

### **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 appro-

priate 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: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Former Dixie Cup Facility**, 415 South 24th Street, Wilson Borough, **Northampton County**. EarthRes Group, 6912 Old Easton Road, Pipersville, PA 18947, on behalf of Wilson Park LTD, 2957 Fairfield Drive, Allentown, PA 18103, submitted a Notice of Intent to Remediate. Soil and groundwater at this former industrial and manufacturing site were contaminated with metals, volatile organic compounds, semi-volatile organic compounds, and polychlorinated biphenyls. Future use of the site will be a combination of residential and non-residential. State-wide Health and Site-Specific remediation standards are planned for this site. The Notice of Intent to Remediate was published in the *Express Times* on April 23, 2019.

#### **DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

**Renewal of Determination of Applicability for General Permit Withdrawn 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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**General Permit No. WMGM039SC001. Allan Myers Materials PA, Inc.**, 219 Quarry Road, Peach Bottom, PA 17563-9405. On April 9, 2019, the Department received a permit renewal application from Allan Myers Materials PA, Inc. for renewal of their Cedar Hill Quarry, Fulton Township, **Lancaster County** location under Municipal Waste General Permit No. WMGM039SC001.

This general permit authorizes the processing and beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles for beneficial use as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of electricity or steam.

On April 19, 2019, the applicant requested the application be withdrawn. The Department's Southcentral Regional Office officially withdrew and returned the permit application to Allan Myers Materials PA, Inc. on April 23, 2019.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit No. WMGR096SE011. MIPC, LLC**, 920 Cherry Tree Road, Aston, PA 19014-1570. This application is for a determination of applicability (DOA) under General Permit No. WMGR096 for the beneficial use of regulated fill material, as defined in Department of Environmental Protection, (DEP) Document No. 258-2182-2773 (Management of Fill), to be used as construction material at the Chelsea Terminal Site located in Upper Chichester Township, **Delaware County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on April 10, 2019. The 60-day notice requirement is waived.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 101699. Waste Management of Fairless LLC**, 1000 New Ford Mill Road, Morrisville, PA 19067-3704. This major permit modification application is for the redesign of Cells 9 through 13 and the elimination of Cell 14 at Fairless Landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on March 13, 2019.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### **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.**

---

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**46-0069G: Highway Materials, Inc.**, (5100 Joshua Road, Plymouth Meeting, PA 19462) for the replacement of the existing secondary crusher and secondary screen with new equipment. The Particulate Matter (PM) emissions from the new secondary crusher and new screen will be controlled by the existing Baghouse No. 2 and the existing wet suppression system. There will be no increase in PM emissions with the installation of the in-kind crusher and screener. The new equipment functions the same as the replaced units. The Plan Approval also contains work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**43-386A: Sandy Creek Monument and Cremation Company** (312 W. Park St, Franklin, PA 16323), The Department of Environmental Protection intends to issue a plan approval to Sandy Creek Monument and Cremation Company to provide authorization for the construction and initial operation of a human crematory at their existing "Black Funeral Home" facility located in Sandy Creek Borough, **Mercer County**.

This application proposes the installation of a new source at a non-Title V facility. Public notice is obligatory for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The operator intends to open the crematory's door during operation in order to reposition remains and to reduce cremation cycle times. This crematory was not eligible for authorization under General Plan Approval 14 per the Department's instruction that those facilities which open their primary chamber's door during operation, could no longer use the general permit. Special conditions will be included in this plan approval which address door opening and its impact on emissions and operation. The crematory will be required to meet all emission and temperature requirements while the door is opened and will have additional recordkeeping and monitoring requirements.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Potential emissions from the proposed source are estimated to be: less than 2.5 tons per year (tpy) of particulate matter, less than 1.0 tpy (each) of SO<sub>x</sub>, NO<sub>x</sub>, CO, VOC, and HAP.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this



permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [43-386A: Sandy Creek Monument and Cremation Company] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

Notice is hereby given under 25 Pa. Code § 127.44(b)(5), that the Department of Environmental Protection (Department) intends to issue Plan Approval # 48-00111A to Slate Belt Heat Recovery Center, LLC (the Permittee), 435 Williams Court, Baltimore, MD 21220-2888 to construct and operate a biosolids processing facility which will be sited on a parcel of land owned by Grand Central Sanitary Landfill (GCSL), in Plainfield Township, Northampton County, as described in the Permittee's May 18, 2018 Plan Approval Application and any other subsequent supplemental submissions.

Plan Approval No. 48-00111A is for the construction and operation of a biosolids processing facility consisting of the following equipment: Installation of a thermal oil heater, thermal drying equipment to facilitate processing biosolids into a Class A dried biosolids product, product conveyance and storage equipment, a two-stage odor control system and a baghouse.

The proposed thermal oil heater will be designed to utilize natural gas or excess/available landfill gas as a fuel. The total maximum heat demand of the supplemental thermal oil heater is currently estimated to be 50.0 MMBtu/hr to support the dryer system without the waste heat. Low NO<sub>x</sub> burner technology will mitigate emissions of oxides of nitrogen (NO<sub>x</sub>) from the thermal oil heater. Natural gas & landfill gas will be the only fuels for the thermal oil heater; emissions of sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub>), particulate matter (PM<sub>2.5</sub>) and

greenhouse gases (GHG) are inherently low when compared to other commercial fuels.

The thermal dryer process will consist of two (2) fully enclosed indirectly heated belt dryers in parallel, each with a biosolids input capacity of approximately 200 wet tons per day, for a facility total throughput of 400 wet tons containing an average of approximately 21% solids per day. Sludge will be pressed to a granular shape by a roller or swivel press and dropped down onto the top belt of the drier in a uniform pile. Biosolids will be conveyed from a receiving/storage tank into an enclosed belt dryer system that circulates warm air to evaporate moisture from the biosolids.

The belt dryer system will be a potential odor source primarily of ammonia associated with the off-gassing from the heat treatment during the drying process. The belt dryers are fully enclosed and operate in a negative air pressure manner, such that all off-gassing during the thermal treatment of the biosolids is contained within the dryer system itself. The bulk of the airstream is recycled in the dryer system after moisture, containing ammonia, is condensed and transported to storage. There will be a small saturated airstream removed from each of the belt dryers, which will include the evaporated moisture and ammonia. This airstream is routed to a condenser that serves to knock out the majority of the moisture from the process, with the remaining air stream routed to the odor control system, which is designed to reduce ammonia.

The facility will include enclosed receiving units, covered aboveground process wastewater storage tank, covered product conveyance system, and covered product storage tanks. The biosolids receiving/storage process and waste water storage tank will be a potential odor source primarily of hydrogen sulfide (H<sub>2</sub>S) and ammonia (NH<sub>3</sub>) associated with biological activity during material storage. Potential odors from the receiving/storage process will be routed to the odor control system.

The product storage silo will have a dust collection system maintaining negative pressure on the headspace of the silo, which will be routed to the odor control system.

The wastewater storage tank has the potential to be a minor source of odor related to the ammonia (NH<sub>3</sub>). Flow from the covered wastewater storage tank will routed to the odor control system.

The dust collector will remove dust from the enclosed product storage and conveyance operations. This control option is custom designed for this proposed dryer process and is expected to have a dust removal efficiency of at least 90%.

The company has proposed packed bed wet scrubbers to control odors associated with NH<sub>3</sub> and H<sub>2</sub>S from the sludge drying operations. The system will be designed to remove 99% of H<sub>2</sub>S & NH<sub>3</sub>.

Based on 8,760 hours of operation, as worst-case scenario the following potential emissions are expected from the facility.

Source	Pollutant lb/hr											
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	SO <sub>x</sub>	CO	VOC	H <sub>2</sub> S	NH <sub>3</sub>	CH <sub>2</sub> O	CO <sub>2e</sub>	Total HAPS
Drying Operations	0.39	0.39	0.39	—	—	0.39	1.54	0.01	0.04	—	—	—
Thermal oil heater	0.82	0.82	0.82	3.30	7.14	2.67	0.55	—	—	0.02	11,712	0.78
Product Storage and Conveyance	1.16	1.16	1.16	—	—	—	—	—	—	—	—	—

The facility will be a minor source for criteria pollutant and hazardous air pollutant (HAP) emissions and will not be subject to PSD or NNSR review. New equipment will meet Pennsylvania Best Available Technology (BAT) emissions controls and NSPS requirements as applicable. The visible emission will be equal to or less than 10% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

The Plan Approval and subsequent Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements and regulations.

Copies of the applications, the Department's technical reviews and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

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.: 48-00111A 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 Mark J. Wejkszner, PE, Program Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

---

**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

---

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-00065: Insituform Technologies, LLC** (17999 Edison Ave, Chesterfield, MO 63005-3700) The Department intends to issue a State-Only (Natural Minor) Operating Permit for operation of sources at a water, sewer and utility line manufacturing facility in Olyphant Borough, **Lackawanna County**. The sources include two storage tanks, a flexible pipeline liner manufacturing process, and a diesel-fired emergency generator. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00079: John Mansville Corp** (600 Jaycee Drive, Hazleton, PA 18202-1154) The Department intends to issue a State-Only (Synthetic Minor) Operating Permit for operation of sources at plastics and foam products

manufacturing facility in Hazleton City, **Luzerne County**. The sources include a polyisocyanurate foam production process, a bar code printer, and a natural gas-fired emergency generator. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**50-03007A: Atlantic Metal Industries LLC** (600 Susquehanna Trail, Liverpool, PA 17045) for the construction of a scrap metal shredding plant at the facility located in Liverpool Township, **Perry County**. The scrap metal shredder will be a Newell 80104 and is powered using 2 Waukesha L5792U internal combustion engines authorized under GP-9. The emissions from the scrap metal shredding plant and engines in this project are estimated as follows: 11.6 tpy PM<sub>10</sub>, 2.56 tpy VOC, 4.62 tpy CO, 15.9 tpy NO<sub>x</sub> less than 1 tpy SO<sub>x</sub>. The Department of Environmental Protection's (DEP's) review of the information submitted by the company indicates that the air contamination sources 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 best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, DEP proposes to issue a plan approval for the proposed construction. The facility is a State-Only facility. If DEP determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

**36-05118: Donnelley Financial LLC** (391 Steel Way, Lancaster, PA 17601-3153) to issue a State-Only Operating Permit for their printing facility in the City of Lancaster, **Lancaster County**. The facility's actual emissions for 2017 were reported as 1.70 tpy CO, 2.31 tpy NO<sub>x</sub>, 0.16 tpy PM<sub>10</sub> & PM<sub>2.5</sub>, 0.02 tpy SO<sub>x</sub>, 16.89 tpy VOC, 1.84 tpy of combined HAPs & 1.34 tpy of a single HAP (glycol ethers). The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.63 and 129.67b, 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**22-03084: Hoover Boyer Funeral Homes, Inc.** (118 South Market Street, Millersburg, PA 17061) for operation of a human crematorium in Millersburg Borough, **Dauphin County**. The subject facility has the potential to emit NO<sub>x</sub> at 2.11 tpy, CO at 1.76 tpy, PM at 1.61, and SO<sub>x</sub> at 0.72 tpy. 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.

**22-03085: Hoover Boyer Funeral Homes, Inc.** (103 West Main Street, Elizabethville, PA 17023) for operation of an animal crematorium in Elizabethville Borough, **Dauphin County**. The subject facility has the potential to emit NO<sub>x</sub> at 1.44 tpy, CO at 1.21 tpy, PM at 0.83 tpy, and SO<sub>x</sub> at 0.36 tpy. 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.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, PE, Facilities Permitting Chief—Telephone: 412-442-4336.*

**26-00020: Hanson Aggregates BMC, Inc.** (488 Rich Hill Road, Connellsville, PA 15425) Synthetic Minor Operating Permit is for a facility that crushes and processes limestone and is located in Bullsken Township, **Fayette County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions consist of one jaw crusher, four triple-deck screens, four cone crushers, and one sand manufacturing plant in addition to conveyors, material handling, haul roads, and stockpiles. The facility is equipped with four baghouses and a dust suppression system to control particulate matter. Facility-wide potential emissions with controls are projected to be 79.21 TPY PM and 26.2 TPY PM<sub>10</sub>. Actual annual emissions at the facility are projected to be 19.8 TPY PM and 7.86 TPY PM<sub>10</sub>. At a minimum, the facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The air quality permit includes a throughput restriction, operating requirements, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00020) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Bradley Spayd, Air Quality Engineering Specialist, at the previously listed address.

All comments must be received prior to the close of business 30 days after the date of this publication.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file

review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

**63-00626: Washington Penn Plastics CO., Inc.** (450 Racetrack Road, Washington, PA 15301) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Washington Penn Plastics to authorize the production of custom polyolefin compounds. The facility is located in Canton Township, **Washington County**.

This facility consists of four extrusion lines, blenders, screw line, a small boiler and an emergency generator. There are two dust collectors to control particulate emission. The estimated potential emissions from this facility are: 9.5 tpy PM<sub>10</sub>, 0.001 tpy VOC, 0.01 tpy of NO<sub>x</sub>, and 0.002 tpy of CO. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, and 40 CFR Part 60, Subpart JJJJ-Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (63-00626) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Washington Penn Plastics State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Washington Penn Plastics State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at [nnahar@pa.gov](mailto:nnahar@pa.gov) or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**25-00883: Millcreek Township** (3608 W 26th St, Erie, PA 16506). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the hot mix asphalt (HMA) facility located in Millcreek Township, **Erie County**. The facility's primary emission sources include the HMA process (including a 34 MCF/hr natural gas-fired burner) controlled by a baghouse and three parts washers. The potential emissions of the primary pollutants from the facility are as follows: 18.71 TPY (tons per year) NO<sub>x</sub>, 31.62 TPY CO, 6.51 TPY VOC, 1.04 TPY total HAPs, 1.51 TPY filterable PM<sub>10</sub>, 0.57 TPY filterable PM<sub>2.5</sub>, and 0.59 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The HMA process is subject to 40 CFR 60 Subpart I, Standards of



Performance for Hot Mix Asphalt Facilities, as well as Plan Approval 25-883A that limits throughput for the plant to 120 tons per hour and 294,000 tons per year during any 12 consecutive month period. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**OP16-000036: Philadelphia Department Prisons** (8001 State Road, Philadelphia, PA 19136) for the operation of a correctional institution including 5 contiguous facilities (House of Correction (HOC), Detention Center (DC), Philadelphia Institutional Correctional Center (PICC), Curran-Fromhold Correctional Facility (CFCF), and Riverside Correctional Facility (RCF)) in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include fifty-eight (58) boilers and hot water heaters firing natural gas or No. 2 fuel oil each rated equal to or less than 14.7 MMBtu/hr, ten (10) emergency generators firing diesel fuel each rated equal to or less than 2,681 horsepower, one (1) spray booth for applying finishes to wooden case goods, and one (1) chiller with non-selective catalytic reduction device firing natural gas and rated 365 horsepower.

## 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 suffi-

cient 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.*

**56111303 and NPDES No. PA0236110 and GP12-56111303. LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). To renew the permit for the Maple Springs Mine in Conemaugh Township, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 authorization. No additional discharges. The application was considered administratively complete on April 23, 2019. Application received: December 27, 2018.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 56080109, PBS Coals, Inc.**, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving streams: unnamed tributaries to Wells Creek to Stonycreek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 24, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**17100110 and NPDES PA0257427. Black Cat Coal, LLC** (446 WM Cemetery Road, Curwensville, PA 16833). Permit transfer of a bituminous surface coal mine from Horton Coal Company, LLC located in Brady Township, **Clearfield County** affecting 28.0 acres. Receiving stream(s): Stump Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 10, 2019.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03793072 and NPDES Permit No. PA061237. Consol Mining Company, LLC** (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). Renewal application for continued mining to an existing bituminous surface mine, located in Kiskiminetas and Young Townships, **Armstrong and Indiana Counties**, affecting 302.0 acres. Receiving streams: unnamed tributary to Big Run and unnamed tributary to Long Run, classified for the following use: CWF and WWF. American Legion Post 57 and Shaulis Country Store are the potable water supply intakes within 10 miles downstream from the point of discharge. Renewal application received: April 23, 2019.



*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 40920102R5. Susquehanna Coal Company**, (P.O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite surface mine and coal preparation plant operation in Newport Township, **Luzerne County** affecting 1,325.0 acres, receiving stream: Newport Creek, classified for the following use: cold water fishes. Application received: March 20, 2019.

**Permit No. 40920102C23. Susquehanna Coal Company**, (P.O. Box 27, Nanticoke, PA 18634), correction of an existing anthracite surface mine and coal preparation plant operation to update the post-mining land use to unmanaged natural habitat in Newport Township, **Luzerne County** affecting 1,325.0 acres, receiving stream: Newport Creek, classified for the following use: cold water fishes. Application received: March 20, 2019.

*Coal Applications Withdrawn*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**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 and Morris Townships, **Greene County** and Morris Township, **Washington County** and related NPDES permit for development mining only. Underground Acres Proposed 2,963 and Subsidence Control Plan Acres Proposed 2,963. No additional discharges. The application was considered administratively complete on December 9, 2016. Application received: July 8, 2016. Application withdrawn: April 25, 2019.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 05190801, David R. Holderbaum**, 832 Oldham Road, Alum Bank, PA 15521, commencement, operation and restoration of a small noncoal (industrial minerals) operation in East St. Clair Township, **Bedford County**, affecting 2.9 acres. Receiving stream: unnamed tributary to Bobs Creek. Application received: April 18, 2019.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**26092001 and NPDES Permit No. PA0251658. Bullsken Stone and Lime, LLC** (117 Marcia Street, Latrobe, PA 15650). Revision application to add acres to an existing bituminous underground mine, located in Bullsken Township, **Fayette County**, affecting 307.8 acres. Receiving streams: unnamed tributaries to Mounts Creek and Mounts Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 19, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 52970301C7 and NPDES Permit No. PA0226033. G.F. Edwards, Inc.**, (204 State Route 435, Elmhurst Township, PA 18444), correction to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Greene Township, **Pike County** affecting 173.06 acres, receiving stream: Wallenpaupack Creek, classified for the following use: HQ—cold water fishes. Application received: April 1, 2019.

**Permit No. 45170301T and NPDES Permit No. PA0595241. Lehigh White Cement Co., LLC**, (7660 Imperial Way, Allentown, PA 18195), transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage from Lehigh Cement Co., LLC in Ross Township, **Monroe County** affecting 238.0 acres, receiving streams: Buckwha and Aquashicola Creeks, classified for the following uses: cold water and migratory fishes and HQ—cold water and migratory fishes. Application received: April 9, 2019.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**NPDES No. PA0379302 (Mining Permit No. 03851302), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). A revision to the NPDES and mining activity permit for the Rosebud No. 3 Mine in Perry Township, **Armstrong County**. The DEP is issuing a department-initiated amendment to remove the phenols monitoring for outfall 003, since there is no reasonable potential for the discharge of phenols to cause an excursion above the water quality criterion. Surface Acres Affected 40.3. Receiving streams: Unnamed Tributary 49097 to the Allegheny River, classified for the following use WWF and Armstrong Run, classified for the following use WWF. The application was considered administratively complete on April 11, 2019. Application received: April 11, 2019.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

*Outfall 003* discharges to Armstrong Run.

The proposed effluent limits for *Outfall 003* (Lat: 41° 00' 51" Long: -79° 37' 32") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.66	3.32	4.15
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.12	2.24	2.8
Aluminum	(mg/l)	-	0.75	0.75	-
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0	-	-	-

EPA waiver not in effect.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**NPDES No. PA0248860 (Mining Permit No. 4075SM12), Penn Coal Land Inc.**, P.O. Box 68, Boswell, PA 15531, renewal of an NPDES permit for treatment of a postmining discharge in Summit Township, **Somerset County**, affecting 114.5 acres. Receiving stream: Casselman River, classified for the following use: cold water fishes. This receiving stream is included in the Casselman River TMDL. Application received: April 8, 2019.

The following outfall discharges to unnamed tributary to Casselman River.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N

The proposed effluent limits for the previously listed outfall are as follows:

<i>Outfalls: 002 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
Aluminum (mg/l)	0.92	1.8	2.3
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**NPDES Permit No. PA0612791 on Surface Mining Permit No. 06820601. Allan Myers Materials, LP d/b/a Allan Myers Materials**, (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for a traprock quarry operation in New Morgan Borough and Caernarvon Township, **Berks County**, affecting 97.6 acres. Receiving stream: East Branch Conestoga River, classified for the following uses: warm water and migratory fishes. Application received: December 24, 2018.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described previously for noncoal mining activities.

The following outfall discharges to East Branch Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump Discharge

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids Discharge (MGD)		35.0	70.0	90.0
Alkalinity Greater than Acidity	Varies with precipitation			

<sup>1</sup> The parameter is applicable at all times.



## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

**E46-1182: PECO Energy Company**, 2301 Market Street, Philadelphia, PA 19103, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain approximately 25 LF of new 4-inch steel gas pipe above the existing stone arch culvert which convey Sawmill Run utilizing open cut trench above the culvert. The proposed work is located within National Register of Historic Places.

The site is located between Green Street and Arch Street (Norristown, PA; Lat: 40.115792; Long: -75.33857).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E50-258, Sunoco Pipeline, LP (SPLP)**, 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Toboyne and Jackson Townships, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

The proposed project starts at Toboyne Township, PA Quadrangle Blairs Mill N: 40° 17' 45"; W: 77° 39' 55" and ends at Jackson Township, PA Quadrangle Andersonburg N: 40° 15' 24"; W: 77° 28' 11."

Sunoco Pipeline, LP proposes a Major Amendment to its permit, Permit E50-258, which authorized the installation and maintenance of an approximately 10.4-mile-long, 0.0-inch natural gas pipeline and an approximately 10.4-mile long 16.0-inch natural gas pipeline and appurtenant structures in Perry County. The major amendment request proposes to alter the route and installation method of the 16.0-inch pipeline across Horse Valley Run (HQ-CWF, MF) and two Unnamed Tributaries to Horse Valley Run (HQ-CWF, MF) from the authorized Horizontal Directional Drill (HDD, No. S2-0157-16) to open cut. Approximately 193 linear feet of stream will be impacted. The project is located 3.5 miles north of the intersection of SR 75 and Horse Valley Road (Latitude: 40.2937°N; Longitude: 77.6501°W) in Toboyne Township, Perry County.

No wetland impacts are proposed.

For more detailed information regarding the Perry County Chapter 105 major permit amendment application related to this proposed project, please visit the DEP webpage [dep.pa.gov](http://dep.pa.gov), Pennsylvania Pipeline Portal, Mariner East II project. To request a file review of the proposed amendment at the DEP Southcentral Regional Office, contact the Southcentral Regional File Room at 717.705.4732.

**E07-459, Sunoco Pipeline, LP (SPLP)**, 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Blair and Woodbury Townships, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

The proposed project starts at Juniata Township, PA Quadrangle Cresson N: 40° 24' 29"; W: 78° 33' 23" and ends at Woodbury Township, PA Quadrangle Williamsburg N: 40° 24' 34"; W: 78° 10' 38."

Sunoco Pipeline, LP proposes two Major Amendments to its permit, Permit E07-459, which authorized the installation and maintenance of an approximately 23.5-mile-long, 20.0-inch natural gas pipeline and an approximately 23.5-mile long 16.0-inch natural gas pipeline and appurtenant structures in Blair County. The major amendment requests propose to 1.) re-route and alter the installation method of the 16.0-inch pipeline from Horizontal Directional Drilling (HDD, No. S2-0142-16) to open cut, resulting in a total of approximately 158 linear feet of impacts to two unnamed tributaries to Piney Creek (HQ-CWF, MF, Wild Trout), and 50 feet of impacts to Piney Creek (HQ-CWF, MF, Class A Wild Trout) (Latitude: 40.4345°N; Longitude: 78.2692°W); 2.) alter the installation method of the 16.0-inch pipeline from HDD (HDD No. S2-0121-16) to open cut and conventional bore in exceptional value, palustrine emergent/scrub shrub wetlands (Latitude: 40.4127°N; Longitude: 78.3727°W) impacting 0.24 acre of wetland; 3.) alter the installation method of the 16.0-inch pipeline in exceptional value, palustrine emergent wetlands (Latitude: 40.4157°N; Longitude: 78.3802°W) impacting 0.29 acre of PEM wetland for work associated with HDD; 4.) alter the installation method of the 16.0-inch pipeline from HDD to open cut in the floodway of Frankstown Branch Juniata River (WWF, MF) (Latitude: 40.4133°N; Longitude: 78.3737°W) impacting 0.004 acre of floodway; 5.) construct a temporary construction road across an unnamed tributary to Frankstown Branch Juniata River (WWF, MF) (Latitude:



40.4150°N; Longitude: 78.3810°W) impacting 15 feet of stream and 0.07 acre of floodway; and 6.) construct a temporary construction road across an unnamed tributary to Frankstown Branch Juniata River (WWF, MF) (Latitude: 40.4156°N; Longitude: 78.3804°W) impacting 15 feet of stream.

No wetland loss is proposed and replacement is not required.

For more detailed information regarding the two Blair County Chapter 105 major permit amendment applications related to this proposed project, please visit the DEP webpage, Pennsylvania Pipeline Portal, Mariner East II project. To request a file review of the proposed amendments at the DEP Southcentral Regional Office, contact the Southcentral Regional File Room at 717.705.4732.

*Southwest Region: Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E63052-727, Redevelopment Authority of The County of Washington**, 100 West Beau Street, Washington, PA 15301, South Franklin Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct operate and maintain:

1. A 36 inch, 140-foot-long pipe enclosure for the purpose of constructing an access road. Impacts will include 198 linear feet of permanent impact to S-KLE-02 an unnamed tributary of Little Chartiers Creek (WWF).

2. Fill within W-KLE-02 (PEM Wetland) to construct an access road. Permanent impacts include 0.077 acre.

3. A stormwater management basin within the 100-year floodway of stream S-KLE-02. Permanent impacts include 0.022 acre.

4. An outfall located at the southwest corner of a proposed stormwater management basin. Permanent impacts will include 0.011 acre to S-KLE-02. Temporary impacts will include 0.48 acre.

5. A paved apron with associated aircraft hangars within wetland W-KLE-03 (PEM Wetland). Permanent impacts include 0.435 acre.

6. Fill within wetland W-KLE-04 (PEM Wetland) for the purpose of improving grade and elevations of Runway 27 and to assist in meeting the width and grading requirements of FAA RSA standards. Permanent impacts include 0.221 acre. Temporary impacts include 0.040 acre.

7. Fill within the 100-year floodway of stream S-KLE-06 an unnamed tributary of Little Chartiers Creek (WWF) to improve grading and elevations to meet FAA RSA standards. Permanent impacts will include 0.53 acre. Temporary impacts include 0.014 acre.

8. Fill within the 100-year floodway of stream S-KLE-05 an unnamed tributary of Little Chartiers Creek (WWF). Temporary impacts include 0.008 acre.

To provide compensatory mitigation for the projects impacts, the permanent impacts to wetlands and streams will be mitigated through the purchase of credits from Robinson Fork and Enlow Fork Mitigation Banks.

The project site is located at 205 Airport Road, (Washington West, PA USGS topographic quadrangle; N: 40° 08'

11"; W: -80° 17' 24"; Sub-basin 20F; USACE Pittsburgh District), in South Franklin Township, Washington County.

**E63052-728, Robinson Power Company, LLC**, 563 Route 18, P.O. Box 127, Burgettstown, PA 15021, Robinson Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Temporarily fill 0.109-acre of Wetland (PEM);

2. Temporarily excavate 0.009-acre of Wetland (PSS);

3. Construct and maintain an 8" waterline crossing of Wetland (PSS); and

4. Construct and maintain an 8", 20 linear foot waterline crossing of UNT to Little Raccoon Run (WWF) (S-KR-001).

For the purpose of constructing a 1,000 megawatt, two-unit combined-cycle gas turbine power generation facility with heat recovery steam generators and a steam turbine, and in association with future proposed electrical distribution line, electrical transmission line and substations, natural gas pipeline, water pipeline and laydown site.

The project will permanently impact 20 LF of UNT to Raccoon Run and temporarily impact 148 LF of UNT to Raccoon Run. The project will temporarily impact 0.119-acre of Wetland and permanently impact a de minimus 0.005-acre of Wetland. Mitigation will be performed on-site by restoring the 0.109-acre of temporary impacted wetlands at the conclusion of the project.

The project site is located one mile south of SR 0022 along the western side of SR 0980 (Clinton, PA USGS topographic quadrangle; N: 40° 24' 33"; W: -80° 17' 50"; Sub-basin 20D; USACE Pittsburgh District), in Robinson Township, Washington County.

**E63052-733, Reaxis, Inc.**, 941 Robinson Hwy., McDonald, PA 15057, Robinson Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a 270 ft. long extension of the existing 100-foot long, 48-inch diameter RCP culvert that carries UNT to Robinson Run (WWF) for the purpose of protecting the existing building and foundations from stream bank erosion. The extension will impact an additional 270 linear feet of UNT to Robinson Run (WWF).

2. Construct and maintain a minor road crossing which will impact 85 linear feet of UNT to Robinson Run (WWF) for the purpose of providing a secondary access road to the facility in order to alleviate truck traffic issues and address emergency evacuation concerns.

3. Overall, the project will permanently impact 355 linear feet of UNT to Robinson Run (WWF). No wetlands are present on the project site.

The project site is located near the intersection of Robinson Highway (SR 980) and North Branch Road (Clinton, PA USGS topographic quadrangle; N: 40° 23' 7"; W: -80° 16' 0"; Sub-basin 20F; USACE Pittsburgh District), in Robinson Township, Washington County.

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E3706219-001, R.G. Coatings, LLC**, P.O. Box 356, Pulaski, PA 16143. R.G. Coatings Site Development Proj-

ect, in Pulaski Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41° 07' 16.384"; W: -80° 25' 47.727").

To conduct the following activities associated with the construction of an industrial facility and associated development of property located west of S.R. 551 (Mercer Street) approximately 0.4 mile north of S.R. 208 near Pulaski:

1. To fill a total of 0.27 acre of PEM wetland.
2. To conduct grading and fill affecting at total of approximately 327 feet and 0.199 acre of permanent impact and 730 feet and 0.502 acre of temporary impact along the left side and within the assumed 50-foot floodway of a tributary to Buchanan Run.
3. To conduct grading and fill affecting approximately 612 feet and 0.363 acre of permanent impact and 743 feet and 0.426 acre of temporary impact along the right side and within the assumed 50-foot floodway of Buchanan Run.
4. To construct and maintain a stormwater outfall to Buchanan Run.
5. To construct and maintain a 1.5-inch diameter HDPE sanitary sewer force main crossing of Buchanan Run within the roadway of S.R. 551 above the existing box culvert.

Project proposes the creation of 0.27 acre of replacement wetland at the confluence of Buchanan Run and the tributary to Buchanan Run on the project site.

*District Oil and Gas Operations: Eastern Oil and Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**E1829-004: STL Resources, LLC**, 12300 Perry Highway, Suite 308, Wexford, PA 15090, Gallagher Township, **Clinton County**, ACOE Baltimore District.

To construct, operate and maintain the Browns Run North Impoundment to Sturgis B Waterline Project, which consists of one 12-inch temporary waterline, with the following impacts:

1. 3.0 linear feet of a UNT to Robbins Run (EV, CWF) via an aerial waterline crossing (Glen Union, PA Quadrangle, Latitude: N: 41° 19' 41.21", Longitude: W: 77° 30' 25.30");

2. 32.0 linear feet of Lick Run (EV, CWF) via an aerial waterline crossing (Glen Union, PA Quadrangle, Latitude: N: 41° 19' 00.73", Longitude: W: 77° 30' 49.27");

3. 3.0 linear feet of a UNT to Lick Run (EV, CWF) via an aerial waterline crossing (Glen Union, PA Quadrangle, Latitude: N: 41° 18' 59.98", Longitude: W: 77° 30' 50.64"); and

4. 1.0 linear feet of a UNT to Lick Run (EV, CWF) via an aerial waterline crossing (Glen Union, PA Quadrangle, Latitude: N: 41° 18' 29.28", Longitude: W: 77° 31' 04.42").

The project will result in 39.0 linear feet of temporary stream impacts via aerial waterline crossings all for the purpose of installing a temporary waterline for Marcellus shale development.

**E4129-127. ARD Operating LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Knispel to Hartley LP Pipeline in Cogan House Township, **Lycoming County**, ACOE Baltimore District (White Pine, PA Quadrangles N: 41° 24' 56" W: -77° 11' 24°).

ARD has applied for an Individual—Joint Permit to construct, operate and maintain 4.05 miles (21,376 ft) of 8-inch diameter flex steel natural gas pipeline in Cogan House Township—Lycoming County.

A total of three (3) temporary stream and three (3) permanent stream impacts are proposed to Wendell Run (HQ-CWF), UNT to Larrys Creek (EV) and Wolf Run (EV). Project watercourse impacts shall include and be limited to a total of 3,093 SF (127 LF) of temporary stream impacts and 222 SF (9 LF) of permanent stream impacts.

A total of three (3) temporary floodway and three (3) permanent floodway impacts are proposed to Wendell Run (HQ-CWF), UNT to Larrys Creek (EV) and Wolf Run (EV). Project floodway impacts shall include and be limited to a total of 12,700 SF (0.2916 ac) of temporary floodway impacts and 900 SF (0.0207 ac) of permanent floodway impacts.

A total of three (3) temporary wetland and three (3) permanent wetland impacts are proposed. Project wetland impacts shall include and be limited to a total of 6,320 SF (0.1451 acre) of temporary wetland impacts and 474 SF (0.0109 acre) of permanent wetland impacts.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Muni.</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wendell Run	Cogan House	8-inch pipeline & Temporary workspace	HQ-CWF	Wild	1,280	40	96	3	41.413545 77.196636
UNT 3 Larrys Creek	Cogan House	8-inch pipeline & Temporary workspace	EV	None	893	47	57	3	41.418351 77.181771

<i>Resource Name</i>	<i>Muni.</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wolf Run	Cogan House	8-inch pipeline & Temporary workspace	EV	Wild	920	40	69	3	41.422816 77.172887
TOTAL					3,093	127	222	9	

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Muni.</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 2	Cogan House	8-inch pipeline & Temporary workspace	PEM; EV	Wild	1,360	34	102	34	41.413582 77.196480
Wetland 3	Cogan House	8-inch pipeline & Temporary workspace	PFO; EV	Wild	3,600	90	270	90	41.422985 77.172646
Wetland 4	Cogan House	8-inch pipeline & Temporary workspace	PEM; EV	Wild	1,360	34	102	34	41.424749 77.169765
TOTAL					6,320	158	474	158	

**Floodway Impact Table:**

<i>Resource Name</i>	<i>Muni.</i>	<i>Activity</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wendell Run	Cogan House	8-inch pipeline & Temporary workspace	Wild	4,000	40	300	3	41.413545 77.196636
UNT 3 to Larrys Creek	Cogan House	8-inch pipeline & Temporary workspace	None	4,700	47	300	3	41.418351 77.181771
Wolf Run	Cogan House	8-inch pipeline & Temporary workspace	Wild	4,000	40	300	3	41.422816 77.172887
TOTAL				12,700	127	900	9	

**E5329-023: JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Homer Township, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the SV 228 to YM-52(S) Dehy Pipeline Project, which consists of two (2) 20-inch natural gas gathering lines, one (1) 16-inch double-walled production fluid line, one (1) 20-inch fresh water line, and two (2) 6-inch electric/communications conduit. This project will result in 38.0 linear feet of impacts to a UNT to Big Moores Run (EV) and 2,400 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested Wetlands via open cut trenching and a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N: 41° 4' 54.67", Longitude: W: 77° 58' 50.27"), all for the purpose of Marcellus shale development.



**E0829-121: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Overton Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. A 6 inch diameter natural gas line and a temporary timber mat bridge impacting 63,750 square feet (1.46 acre) of a Palustrine Scrub-Shrub Wetland (EV) (Overton, PA Quadrangle, Latitude: 41° 34' 40", Longitude: -76° 35' 12");

The project is a result of a missed wetland crossing under permit E0829-069 and will result in 63,750 square feet (1.46 acre) PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County. The impacts will be mitigated by 55,616 square feet (1.27 acre) of on-site plantings and 12,510 square feet (0.29 acre) at the Elk East Mitigation Area.

### EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified regional office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

---

### Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

---

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.*

<i>ESCGP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0300015002 Major Amendment	Sunoco Pipeline, L.P. 535 Fritztown Road Sinking Spring, PA 19608	Perry	Toboyne Township	Horse Valley Run (HQ-CWF, MF) UNT Horse Valley Run (HQ-CWF, MF)
		Blair	Woodbury Township	Piney Creek (HQ-CWF, MF) UNTs Piney Creek (HQ-CWF, MF)

### STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based.

---

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

---

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
19001	Coastal Chemical Co., LLC 107 Miller Avenue Montgomery, PA 17752 Attn: Kevin Nero	Lycoming	Montgomery Borough	8 ASTs storing petroleum products and hazardous substances	96,000 gallons total

---

**ACTIONS**


---

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

---

**I. NPDES Renewal Permit Actions.**


---

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<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>
PA024490 (Sewage)	Reilly SRSTP 171 Creamery Road Coatesville, PA 19320-1716	Chester County West Caln Township	Unnamed Tributary to West Branch Brandywine Creek (HQ-CWF, MF) 3-H	Y

<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>
PA0244422 (Storm Water)	Norfolk Southern King of Prussia Facility 1200 Peachtree St. NE Box 13 Atlanta, GA 30309-0013	Montgomery County Upper Merion Township	Schuylkill River (WWF, MF) and Crow Creek (WWF, MF) 3-F	Y
PA0244651 A-2 (Storm Water)	Jay Gress, Inc. P.O. Box 628 Norrstown, PA 19404	Montgomery County Plymouth Township	Schuylkill River 3-F	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>
PA0248452 SEW	Paul W Gettel 1107 Enola Road Carlisle, PA 17013-8722	North Middleton Township Cumberland County	Unnamed Tributary to Wertz Run (WWF, MF) in Watershed(s) 7-B	Y
PA0260754 SEW	Thomas N Stewart 1321 Enola Road Carlisle, PA 17013-8786	North Middleton Township Cumberland County	Wertz Run (WWF, MF) in Watershed(s) 7-B	Y
PA0248215 SEW	Shane V Keefer 90 E Main Street P.O. Box 74 Walnut Bottom, PA 17266	Upper Frankford Township Cumberland County	Unnamed Tributary to Conodoguinet Creek (WWF) in Watershed(s) 7-B	Y
PA0083917 IW	Edge Rubber Recycling LLC 811 Progress Road Chambersburg, PA 17201-3257	Chambersburg Borough Franklin County	Unnamed Tributary to Conococheague Creek (WWF) in Watershed(s) 13-C	Y
PA0266469 SEW	Weaverland Valley Authority 4610 Division Highway East Earl, PA 17519	East Earl Township Lancaster County	Conestoga River in Watershed(s) 7-J	Y
PA0261904 SEW	Brian K Conley 5149 Herbst Road Red Lion, PA 17356-8354	North Hopewell Township York County	UNT North Branch Muddy Creek in Watershed(s) 7-I	Y
PA0247201 IW	Lancaster City Water Bureau Lancaster County P.O. Box 1599 Lancaster, PA 17608-1599	West Hempfield Township Lancaster County	Strickler Run in Watershed(s) 7-G	Y
PA0085022 SEW	Conoy Township 211 Falmouth Road Bainbridge, PA 17502-9428	Conoy Township Lancaster County	Unnamed Tributary to Susquehanna River in Watershed(s) 7-G	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228681 (Sewage)	Penn Township Village of Coburn STP Sanitary Sewer P.O. Box 125 Coburn, PA 16832-0125	Centre County Penn Township	Penns Creek (CWF) (6-A)	Yes
PA0228737 (Sewage)	Westover Borough Sanitary Sewer STP 143 Tannery Road P.O. Box 199 Westover, PA 16692	Clearfield County Westover Borough	Chest Creek (CWF, MF) (8-B)	Yes



*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0093050 (Sewage)	Black Lick STP P.O. Box 454 Black Lick, PA 15716-0454	Indiana County Burrell Township	Blacklick Creek (TSF) (18-D)	Yes
PA0254479 (Sewage)	Elgin SRSTP 1581 Fleming Road Indiana, PA 15701-3216	Indiana County Armstrong Township	Cheese Run (CWF) (17-E)	Yes
PA0217727 (Sewage)	Rices Landing Borough Main Street Rices Landing, PA 15357	Greene County Rices Landing Borough	Monongahela River (19-B)	Yes
PA0205087 (Sewage)	Scottyland Camping Resort STP 3033 PA-653 Rockwood, PA 15557	Somerset County Middlecreek Township	Lost Creek (HQ-CWF) (19-E)	Yes

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0210501 (Sewage)	Earl G Willey SFTF 3974 Longview Road West Middlesex, PA 16159-2912	Mercer County Shenango Township	Hogback Run (WWF) (20-A)	Yes
PA0220779 (Sewage)	Springfield Village MHP P.O. Box 201 13079 Ridge Road West Springfield, PA 16443-0201	Erie County Springfield Township	Unnamed Tributary to Raccoon Creek (CWF, MF) (15-A)	Yes

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0245097**, Sewage, **Karl Shaner**, 26619 S Pear Tree Drive, Sun Lakes, AZ 85248.

This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a single residence small flow sewage treatment plant.

**NPDES Permit No. PA0011425**, Storm Water, **PBF Logistics Products Terminal LLC**, 3rd Street & Billingsport Road, Paulboro, NJ 08066.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Storm Water.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**Permit No. PAG122204**, CAFO, **Wayne A. Mancho Veal Farm**, 176 Orchard Road, Harleysville, PA 19438-1664.

This proposed facility is located in Gibson Township, **Susquehanna County**.

Description of Size and Scope of Proposed Operation/Activity: Termination of Permit.

**Permit No. PAG123683**, CAFO, **Aaron Hawbaker**, 6842 Buttermilk Road, Waynesboro, PA 17268-8321.

This proposed facility is located in Quincy Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Termination of Permit.

## III. WQM Industrial Waste and Sewerage Actions Under the Clean Streams Law (35 P.S. §§ 691.1—691.1001).

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. WQG02231901**, Sewage, **Middletown Township Sewer Authority**, P.O. Box 9, Media, PA 19037.

This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure sewer main serving a new 3 lot residential development.

**WQM Permit No. 1518409**, Sewage, **Borough of Spring City**, 6 S. Church Street, Spring City, PA 19475.

This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant.

**WQM Permit No. 4619401**, Sewage, **Karl Shaner**, 26619 S Pear Tree Drive, Sun Lakes, AZ 85248.

This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a single residence small flow sewage treatment plant.

**WQM Permit No. 1592415**, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Transfer ownership from East Bradford Twp to Aqua PA.

**WQM Permit No. 1584417**, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Transfer ownership from East Bradford Twp to Aqua PA.

**WQM Permit No. 1597412**, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Transfer ownership from East Bradford Twp to Aqua PA.

**WQM Permit No. 1503407**, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Transfer ownership from East Bradford Twp to Aqua PA.

**WQM Permit No. 15985416**, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Transfer ownership from East Bradford Twp to Aqua PA.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2819402**, Sewerage, **Newell Single Residence Sewage Treatment Plant (SRSTP)**, Clifton R Newell, 10700 Sandy Mount Road, Orrstown, PA 17244.

This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity:

This General Permit approves construction/operation of sewage facilities consisting of:

A 1,250-gallon two-compartment septic tank, Polylock PL-122 effluent filter, 500-gallon dosing tank, 750 sq. ft. sand filter, Orenco UV unit and outfall structure.

**WQM Permit No. 2819201**, CAFO, **Junk Inn Farms LLC**, 14492 Path Valley Road, Willow Hill, PA 17271.

This proposed facility is located in Metal Township, **Franklin County**.

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

—Two existing underbarn liquid manure storages

—One proposed underbarn liquid manure storages

**WQM Permit No. 1819201**, CAFO, **Schrack Farms Partnership**, 860 West Valley Road, Loganton, PA 17747-8935.

This proposed facility is located in Logan Township, **Clinton County**.

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

—A round concrete manure storage located at a satellite site

**WQM Permit No. 3619402**, Sewerage, **Elizabethtown Regional Sewer Authority**, 235 ERSA Dr., Elizabethtown, PA 17022.

This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of sewage facilities consisting of:

—Upgrade to Bossler Road No.1 Sewage Pumping Station: A new 7' diameter wet well, an above-grade pumping station, Two (2) 230 gpm pumps, and demolition of the existing wet well and PS structures.

**WQM Permit No. 3617408**, Sewerage, **Weaverland Valley Authority**, 4610 Division Highway, East Earl, PA 17519.

This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of sewage facilities consisting of:

- 7,319' of 10", 11,157' of 12", and 732' of 16" gravity sewer and associates manholes
- 5,885' of 2", 2,775' of 3", 1,300' of 4", 7,357' of 6", and 68' of 8" low pressure sanitary sewer and associated simplex and duplex grinder pump stations, and air release/vacuum break valves
- Re-routing of approximately 890' of 4" force main from the existing Fairview Pump Station to gravity sewer on Union Grove Road
- The new Frogtown Road Pump Station
- The new Terre Hill Borough Pump Station
- The new Weaverland Valley WWTP: Influent Screening System, Influent Pump Station, Two (2) 57'-10" L x 56'-3" W x 23' H Sequencing Batch Reactors, Chemical Feed Systems, One (1) 7'-6" L x 107'-4" W x 23' H Post-Equalization Basin, Cloth Media Filter Disk Filtration System, UV Disinfection and Cascade Aeration, Two (2) 49' L x 53' W x 23' H aerobic digesters, Headworks Building, Control Building

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 02141802**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401.

This proposed facility is located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Sewer extension to the Greenbriar Subdivision.

**WQM Permit No. 5986401 A-1**, Sewage, SIC Code 4952, **Westfield Borough**, 429 E. Main Street, Westfield, PA 16950-1610.

This existing facility is located in Westfield Borough, **Tioga County**.

Description of Proposed Action/Activity: Upgrades to the existing treatment plant.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. WQG01651901**, Sewage, SIC Code 5541, **Speedway LLC**, 500 Speedway Drive, Enon, OH 45323-1056.

This proposed facility is located in South Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: construction of a small flow sewage plant.

**WQM Permit No. 2618401**, Sewage, SIC Code 4952, **Connellsville City Municipal Authority Fayette County**, P.O. Box 925, Connellsville, PA 15425-0925.

This proposed facility is located in Connellsville City, **Fayette County**.

Description of Proposed Action/Activity: construction of a new 4.4 MGD STP and sanitary collection system improvements.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. WQG01201901**, Sewage, **Philip Reichard**, 18145 Porky Street, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

NPDES Permit No.	Permittee Name & Address	Municipality, County	Receiving Water(s)/Use(s)	TMDL Plan Submitted (Y/N)	Pollutant Reduction Plan Submitted (Y/N)
PAI136152	Washington Township Westmoreland County 285 Pine Run Church Road Apollo, PA 15613-8809	Washington Township Westmoreland	Beaver Run (HQ-CWF/TSF), Unnamed Tributary of Pine Run (WWF), and Pucketa Creek (TSF)/ HQ-CWF, TSF and WWF	N	Y



**V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.**

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

*Southcentral Regional Office: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Phone: 717.705.4707.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133646	Rye Township Perry County 1775 New Valley Road Marysville, PA 17053-9419	Rye Township Perry	Unnamed Tributary to Fishing Creek, Bryson Hollow Run, and Fishing Creek/ CWF and MF

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136324	West Elizabeth Borough P.O. Box 716 West Elizabeth, PA 15088-0716	West Elizabeth Borough Allegheny	Monongahela River/WWF

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Phillips, Section Chief, Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210032 Issued	South Middleton Township Municipal Authority P.O. Box 8 Boiling Springs, PA 17007	Cumberland	South Middleton Township	UNT Letort Spring Run (EV, MF) UNT Hogestown Run (CWF, MF)
PAD060016 Denied	North Point Development 4825 Northwest 41st Street Suite 500 Riverside, MO 64150	Berks	Bethel Township	UNT Little Swatara Creek (CWF, MF)

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Crawford County Conservation District 21742 German Road, Meadville, PA 16335, 814-763-5269.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD200005	Trustees of Conneaut Lake Park 789 Bessemer Street Meadville, PA 16335	Crawford	Summit Township	Unnamed Tributary to Conneaut Lake HQ-CWF

**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*

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

<i>NPDES</i>				<i>Receiving</i>
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Water/Use</i>
PAC390081	Jaime L & April M Perez 2333 Juniper Dr Coplay, PA 18037	Lehigh	North Whitehall Twp	Fells Creek (CWF, MF)

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, 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>
Silver Spring Township Cumberland County Issued	PAC210115	Pennsylvania Medical Society 777 East Park Drive Harrisburg, PA 17111	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Manheim Township Lancaster County Issued	PAC360294	Stonehenge Development LLC 1419 Rose Virginia Road Reading, PA 19611	Bachman Run (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Earl Township Lancaster County Issued	PAC360284	Garden Spot Village 433 South Kinzer Avenue New Holland, PA 17557	UNT Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Ephrata Borough Lancaster County Issued	PAC360354	Weaverland Mennonite Homes 1979 East Mount Hope Road Manheim, PA 17545	Indian Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Ephrata Township Lancaster County Issued	PAC360138	Elizabethtown College One Alpha Drive Elizabethtown, PA 17022	UNT Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<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>
Elizabethtown Borough Lancaster County Issued	PAC360360	HC Quality Doors LLC 48 Queen Road Suite 1 Gordonville, PA 17529	Watson Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Leacock Township Lancaster County Issued	PAC360383	Steven Stoltzfus 5577 Old Philadelphia Pike Gap, PA 17527	UNT Pequea Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Jackson Township Lebanon County Issued	PAC380095	Paul Beiler 51 Long Avenue Ephrata, PA 17522	Tulpehocken Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Cornwall Township Lebanon County Issued	PAC380109	Kelley Pulisic 1585 Colebrook Road Lebanon, PA 17042	Snitz Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Annville Township Lebanon County Issued	PAC380114	Chad Weaver 47 Palmyra-Bellgrove Road Annville, PA 17003	Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Cornwall Township Lebanon County Issued	PAC380093	Lowell Gates 150 Corporate Center Drive Suite 100 Camp Hill, PA 17011	Snitz Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
South Londonderry Township Lebanon County Issued	PAC380105	Nevin Copenhaver 111 Ann Lane Lebanon, PA 17042	UNT Little Conewago Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Wilmington Borough Lawrence County	PAC370031	Shenango Presbyterian Seniorcare 238 South Market Street New Wilmington, PA 16142	Unnamed Tributary to Little Neshannock Creek TSF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101
Jay Township Elk County	PAC240010	Friday Gas & Oil Inc. 20185 Bennetts Valley Highway Bymdale, PA 15827	Bennette Branch of Sinnemahoning Creek WWF	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373



<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>
Millcreek Township Erie County	PAC250073	Erie Catholic Preparatory School 225 West 9th Street Erie, PA 16501	UNT Cascade Creek WWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Waterford Township Erie County	PAC250072	Woodland Hills LLC 13021 Flatts Road Waterford, PA 16441	UNT LeBoeuf Creek TSF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
White Township Indiana County	PAC030018	Indiana County Conservation District 431 Hamill Road Indiana, PA 15701	UNT to McKee Run CWF, UNT to Ramsey Run CWF	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
Jackson Township Butler County	PAC100143	Seneca Valley School District 124 Seneca School Road Harmony, PA 16037	Little Connoquenessing Creek CWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Jefferson Township Butler County	PAC100120	James D. Miller & Sons Construction 768 North Pike Road Cabot, PA 16023	Tributary of Thorn Creek CWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Spring Garden Township York County	PAG033596	CMC Steel US LLC 6565 N MacArthur Blvd Suite 800 Irving, TX 75039-6283	Mill Creek (WWF, MF) in Watershed(s) 7-H	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Hanover Borough York County	PAG033598	Sonoco Products Co. 1 N Second Street Hartsville, SC 29550	Plum Creek (WWF, MF) in Watershed(s) 7-F	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-4*

<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>
Letterkenny Township Franklin County	PAG043971	Clifton R Newell 10700 Sandy Mount Road Orrstown, PA 17244	Lehman Run (WWF, MF) in Watershed 7-B	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
South Huntingdon Township Westmoreland County	PAG046472	Speedway LLC 500 Speedway Drive Enon, OH 45323-1056	Unnamed Tributary to Youghiogeny River (WWF)—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

<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>
Hayfield Township Crawford County	PAG041229	Philip Reichard 18145 Porky Street Saegertown, PA 16433	UNT to Cussewago Creek WWF	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814-332-6942
<i>General Permit Type—PAG-13</i>				
<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>
Chester City Delaware County	PAG130090	Chester City 1 Fourth Street Chester, PA 19013-4400	Stoney Creek (WWF, MF) Unnamed Stream (WWF, MF), Ridley Creek, and Chester Creek, (WWF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Springfield Township Delaware County	PAG130130	Springfield Township 50 Powell Road Springfield, PA 19064	Unnamed Tributary to Stony Creek (WWF, MF), Lewis Run (WWF, MF), Darby Creek (TSF, MF), Whiskey Run (WWF, MF), Stony Creek (WWF, MF), Crum Creek (WWF, MF), Little Crum Creek (WWF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Haverford Township Delaware County	PAG130077	Haverford Township 1014 Darby Road Havertown, PA 19083	Darby Creek (TSF, MF) Cobbs Creek (WWF, MF) and Naylor's Run (WWF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Wrightstown Township Bucks County	PAG130043	Wrightstown Township 2203 Second Street Pike Wrightstown, PA 18940	Curls Run (WWF, MF), Unnamed Tributary of Jericho Creek (WWF, MF), Unnamed Tributary of Neshaminy Creek (WWF, MF), and Unnamed Tributary to Mill Creek (WWF, MF) 2-F and 2-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
East Petersburg Borough Lancaster County	PAG133635	East Petersburg Borough Lancaster County 6040 Main Street East Petersburg, PA 17520-1205	Little Conestoga Creek (TSF, MF) and Unnamed Tributary to Little Conestoga Creek (TSF, MF)— 7-J	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Pulaski Township Beaver County	PAG136156	Pulaski Township Beaver County 3401 Sunflower Road New Brighton, PA 15066-2639	Blockhouse Run (WWF) and Unnamed Tributary to Blockhouse Run (WWF)—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 4618522**, Public Water Supply.

Applicant	<b>Albertson Lucerne Dairy</b> 847 Forty Foot Road Hatfield, PA 19440
Township	Hatfield
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Aeon Geoscience, Inc. 2120 Bellemead Avenue Havertown, PA 19083-2250
Permit to Construct Issued	April 23, 2019

**Permit No. 0919504**, Public Water Supply.

Applicant	<b>Plumstead Township</b> P.O. Box 387 Plumstead, PA 18949
Township	Plumstead
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates 350 East Butler Avenue New Britain, PA 18901

Permit to Construct Issued	April 18, 2019
----------------------------	----------------

**Permit No. 0919506**, Public Water Supply.

Applicant	<b>Riegelsville Water Authority</b> 615 Easton Road P.O. Box 494 Riegelsville, PA 18077
Township	Riegelsville
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Cowan Associates, Inc. 120 Penn-Am Drive P.O. Box 949 Quakertown, PA 18951

Permit to Construct Issued	April 18, 2019
----------------------------	----------------

**Operations Permit # 2317501** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Ave, Bryn Mawr, PA 19010, **PWS ID # 1460073**, Edgemont Township, **Delaware County** on April 19, 2019 for the operation of State Park Water Storage Tank. Repainting facilities approved under construction permit # 2317501.

**Operations Permit # 2318502** issued to **Crozer Keystone Health System**, Healthplex Pavillion II, 100 West Sproul Road, Springfield, PA 19064-2033, **PWS ID # 1230301**, Upper Darby Township, **Delaware County** on April 19, 2019 for the operation of a chloramine generator for secondary disinfection treatment on the hot water distribution system at the Delaware County Memorial Hospital facilities approved under construction permit # 2318502.

**Operations Permit # 2318503** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460073**, Marple Township, **Delaware County** on April 25, 2019 for the operation of upgrades to Newtown Tank and Booster Station: New OSHG System, Ammonia, tank mixer, THM removal facilities approved under construction permit # 2318503.

**Operations Permit # 1518512** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460073**, West Bradford Township, **Chester County** on April 19, 2019 for the operation of Glenside Water Storage Tank No 1. Repainting Facilities approved under construction permit # 1518512.

**Operations Permit # 1518519** issued to **Keystone Motel & Owens Place**, 4880 West Lincoln Highway, Parkesburg, PA 19365, **PWS ID # 1150554**, West Sadsbury Township, **Chester County** on April 18, 2019 for the operation of softening and nitrate treatment approved under construction permit # 1518519.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Application No. 6618504**, Public Water Supply.

Applicant	<b>Exeter Township Sr. Ctr. &amp; Apt. Complex</b> P.O. Box 88 2690 Sullivan Trail Rd. Falls, PA 18615
[Borough or Township]	Exeter Township
County	<b>Wyoming</b>
Type of Facility	PWS

Consulting Engineer George Parker, P.E.  
c/o Farnham Associates, Inc.  
325 John Street  
Clarks Summit, PA 18411

Application Returned 4/22/2019

**Permit No. 2520062, Operation Permit, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
(Saw Creek Water System)  
800 West Hershey Park Drive  
Hershey, PA 17033

Municipality Lehman Township

County **Pike**

Type of Facility Public Water Supply

Consulting Engineer Jeremy A. Nelson, P.E.  
Pennsylvania American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit to Operate April 24, 2019  
Issued

**Permit No. 2409010, Public Water Supply.**

Applicant **PA American Water Company**  
800 W. Hershey Park Drive  
Hershey, PA. 17033

[Township or Borough] West Wyoming Borough  
**Luzerne County**

Responsible Official Mr. David Kaufman  
Vice President-Engineering  
800 W. Hershey Park Drive  
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Richard Dudek, P.E.  
PA-American Water Co.  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit Issued 04/16/2019

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3618519, Public Water Supply.**

Applicant **Cherry Crest Farm**

Municipality Paradise Township

County **Lancaster**

Responsible Official Jack Coleman, Owner  
150 Cherry Hill Road  
Ronks, PA 17572

Type of Facility Addition of anion exchange  
treatment system for removal of  
nitrates.

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates,  
Inc.  
18 South George Street  
York, PA 17401

Permit to Construct 4/24/2019  
Issued

**Permit No. 3618523, Public Water Supply.**

Applicant **Elizabethtown Area Water Authority**

Municipality Mount Joy Township

County **Lancaster**

Responsible Official Del Becker, Authority Manager  
211 West Hummelstown Street  
Elizabethtown, PA 17022

Type of Facility Installation of booster pump  
station to serve the Mount Joy  
Township pressure zone from the  
main pressure zone.

Consulting Engineer Peter Lusardi, P.E.  
GHD, Inc.  
1240 N. Mountain Rd.  
Harrisburg, PA 17112

Permit to Construct 4/22/2019  
Issued

**Operation Permit No. 3616506** issued to: **Mount Joy Borough Authority (PWS ID No. 7360091)**, Mount Joy Borough, **Lancaster County** on 4/24/2019 for facilities approved under Construction Permit No. 3616506.

**Operation Permit No. 3618509** issued to: **East Lampeter Township (PWS ID No. 7360657)**, East Lampeter Township, **Lancaster County** on 4/9/2019 for facilities approved under Construction Permit No. 3618509.

**Operation Permit No. 2818509** issued to: **Roxbury Dollar General (PWS ID No. 7280972)**, Letterkenny Township, **Franklin County** on 4/1/2019 for facilities approved under Construction Permit No. 2818509.

**Operation Permit No. 3618518** issued to: **Conestoga Wood Specialities Corporation (PWS ID No. 7360885)**, East Earl Township, **Lancaster County** on 4/8/2019 for facilities submitted under Application No. 3618518.

**Operation Permit No. 3618524** issued to: **Denver Borough (PWS ID No. 7360017)**, Denver Borough, **Lancaster County** on 4/16/2019 for facilities submitted under Application No. 3618524.

**Operation Permit No. 3618525** issued to: **Rino's Pizza (PWS ID No. 7360446)**, Penn Township, **Lancaster County** on 4/16/2019 for facilities approved under Construction Permit No. 3618525.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WA-15-141C, Water Allocations. Kennett Square Municipal Water Works**, 120 Marshall Street, Kennett Square, PA 19348, Kennett Township, **Chester County**. Renewal of subsidiary allocation permit for purchase of 200,000 gallons per day from Chester Water Authority.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**



*Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

*Plan Location:* New Kensington Wastewater Treatment Plant, New Kensington City, Westmoreland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of New Kensington	Mr. Denis F. Scarpiniti, CMC City Clerk City Hall Eleventh Street New Kensington, PA 15068	Westmoreland
City of Lower Burrell	Ms. Kelly Biddle-Cook City Clerk City Hall 2800 Bethel Street Lower Burrell, PA 15068	Westmoreland

*Plan Description:* The Sewage Treatment Plant Expansion will occur in the City of New Kensington, Westmoreland County. The Act 537 Plan Update proposes upgrading the Municipal Sanitary Authority of the City of New Kensington's Wastewater Treatment Plant, each treatment unit's wet weather capacity will be as follows: Primary treatment 20 MGD, Secondary treatment 10.1 MGD, Disinfection 20 MGD.

The project consists of the construction of two additional primary clarifiers, one additional secondary clarifier. The aeration basin biological treatment will be modified to run by the step feed method during dry weather and shift to contact stabilization during wet weather. An additional tank will be added to the disinfection facilities and de-chlorination train will be added. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations.

The Department's review of the sewage facilities update revision has not identified any significant environmental impact results from this proposal.

Any required WQM Permits must be obtained in the name of the Municipal Sanitary Authority of the City of New Kensington as appropriate.

*Plan Location:* 620 Apples Mill Road, Sewickley Twp, Westmoreland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sewickley Township	Sewickley Township Ms. Erika Horvat Secretary 2288 Mars Hill Road Irwin, PA 15642-4971	Westmoreland

*Plan Description:* The approved plan revision provides for the installation of a Small Flow Sewage Treatment Facility (SFSTF) to serve an existing property owned by Gregory F. & Sally Lapina. The property is located at 620 Apples Hill Road, Sewickley Township, Westmoreland County.

The treated effluent will be discharged into Sewickley Creek which is classified as Warm Water Fisheries stream.

Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate.

The Department's review of the sewage facilities revision has not identified any significant environmental impact results from this proposal.

## 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: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**HO Mart 1**, 242 Church Street, Montrose Borough, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Hinds Oil, 54 Church Street, Montrose, PA 18801, submitted a Final Report concerning remediation of releases of leaded gasoline from underground storage tanks to soil and groundwater. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Calex Express**, 58 Pittston Avenue, Yatesville Borough, **Luzerne County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA

18651, on behalf of Calnex Express, 58 Pittston Avenue, Pittston, PA 18640, submitted a Final Report concerning remediation of releases of diesel from an aboveground storage tank to soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Univar USA Inc.**, 627 Sugar Run Road, Altoona, PA 16635, Allegheny Township, **Blair County**. Chapman & Lewis Environmental Services, Inc., 158 South Main Street, Slippery Rock, PA 16057, on behalf of Univar USA, Inc., 1804 North 20th Street, Nampa, ID 83687, Univar USA, Inc., 6th Avenue and Sugar Run Road, Altoona, PA 16602 submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with Chlorinated Solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Dorma USA Inc.**, 100 Dorma Drive, Reamstown, PA 17567, East Cocalico Township, **Lancaster County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of Dormakaba, Dorma Drive, P.O. Box AC, Reamstown, PA 17567, submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents and VOCs. The 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.*

**Shenango Coke Plant**, 200 Neville Road, City of Pittsburgh **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Shenango, LLC, 414 South Main Street, Ann Arbor, MI 48104 has submitted a Remedial Investigation and Final Report for the site where elevated concentrations of volatile and semi-volatile organic compounds and metals from historic use have impacted soil and groundwater. Public notice of the intent to remediate was published in the *Post-Gazette* on September 25, 2017. Public notice of the Final Report was made to the *Post-Gazette* on April 18, 2019.

## 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:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Lancaster Junction/Buckeye Pipeline**, 2810 Weaver Road, Lancaster, PA 17601, Manheim Township, **Lancaster County**. GES Inc., 440 Creamery Way, Exton, PA 19341, on behalf of Buckeye Partners, 5 TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, and Fred Hess, 2810 Weaver Road, Lancaster, PA 17601, submitted a Final Report concerning remediation of groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on April 29, 2019.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Community Chevrolet**, 16408 Conneaut Lake Road, Vernon Township, **Crawford County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of KM & T Land Management, 16408 Conneaut Lake Road, Meadville, PA 16335, submitted a combination Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with 2-methylnaphthalene, benzo[a]anthracene, naphthalene, benzene, xylene (total), m&p-xylene, o-xylene, 1,1-dichloroethane, 1,2-dichlorobenzene, 1,4-dichlorobenzene, ethylbenzene, tetrachloroethene, toluene, trichloroethene, cis-1,2-dichloroethene and site groundwater contaminated with benzo[a]anthracene, benzo[a]pyrene, naphthalene,

1,1-dichloroethane, 1,2-dichloroethane, 1,4-dichlorobenzene, benzene, bromomethane, chloromethane, trichloroethene, and vinyl chloride. The Remedial Investigation/Risk Assessment/Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on April 23, 2019.

**Damascus Tube**, 795 Reynolds Industrial Park Road, Pymatuning Township, **Mercer County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Greenville Reynolds Development Corporation, 301 Arlington Drive, Greenville, PA 16125 and Marcegaglia Spa, Italy, 23 Kimberly Drive, Grove City, PA 16127, submitted a Final Report concerning the remediation of site soil contaminated with arsenic, lead, manganese, nickel, PCE, TCE, PCB—Aroclor 1254, PCB—Aroclor 1260 and site groundwater contaminated with 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, PCE, 1,1,1-trichloroethane, 1,1,2-trichloroethane, TCE, and vinyl chloride. The Final Report demonstrated attainment of a combination of Site-Specific and State-wide Health Standards and was approved by the Department on April 26, 2019.

#### REGISTRATION FOR MUNICIPAL WASTE GENERAL PERMITS

**Registration for General Permit issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 (relating to authorization for general permit)).**

*Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM042SC011. Kurtz Valley Energy, LLC**, 396 Dairy Lane, Mifflintown, PA 17059, located in Delaware Township, **Juniata County**. The Department of Environmental Protection has issued a registration under General Permit WMGM042 to Kurtz Valley Energy, LLC for the processing by anaerobic digestion of animal manure generated on a farm to be blended with (a) grease trap waste and (b) pre-and-post consumer food waste from commercial and institutional establishments for beneficial use. This registration was issued on April 26, 2019.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Permit No. 100934, Blue Ridge Landfill**, 1660 Orchard Road, Scotland, PA 17254. A major permit modification for a landfill expansion of the Blue Ridge Landfill of Waste Connections Inc., which expires on May 2, 2020, was issued on April 17, 2019, for Solid Waste Permit No. 100934 in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP4-05-03022A: Cronimet Specialty Metals USA, Inc.** (209 Reynolds Industrial Park Road, Greenville, PA 16125) on April 18, 2019 for two new burn-off ovens, under GP4, at the precious metals recovery and recycling facility located in Bedford Township, **Bedford County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-050020: Lehigh Cement Co. LLC** (537 Evansville Road, Fleetwood, PA 19522-8541) on April 26, 2019, for the replacement of the existing fuel burner pipes at their facility in Maiden Creek Township, **Berks County**. Plan Approval No. 06-050020 is for the replacement of the existing fuel burner pipes in each of the two (2) long, dry Portland cement kilns (Source IDs 121 & 122) with a consolidated multi-fuel burner pipe system. The plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**42-004J: American Refining Group Inc.** (77 North Kendall Ave., Bradford, PA 16701) on April 25, 2019, effective April 30, 2019, has issued a plan approval extension for the installation, startup, and shakedown of the new gas fired # 6 Boiler (Source ID 035) in Bradford City, **McKean County**. This expires October 31, 2019. This is a Title V facility.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00178: KVK Tech, Inc.** (110 Terry Drive, Newtown, PA 18940) On April 23, 2019, for the renewal of a Synthetic Minor Operating Permit in Newtown Township, **Bucks County**.



**15-00121: Delaware Valley Custom Marble, Inc.** (doing business as Glenmar Manufacturing) (4 Briar Drive, West Grove, PA 19390) On April 24, 2019, for the renewal of a State Only Operating Permit for their cast polymer manufacturing facility located in Penn Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**39-00035: Allentown City/STP** (112 W Union Street, Allentown, PA 18102-4912) The Department issued, on 4/25/19, a State-Only (Natural Minor) Operating Permit renewal for operation of sources at a wastewater treatment facility in Allentown City, **Lehigh County**. The sources include boilers, grit chambers, belt presses, settling tanks, digesters, headworks, heaters, trickling filters, and sludge thickening tanks. Control devices include quad scrubbers. The permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**45-00021: Lehigh Valley Health Network** (206 East Brown Street, East Stroudsburg, PA 18301-3094) The Department issued, on 4/25/19, a State-Only (Natural Minor) Operating Permit renewal for operation of sources at a hospital in East Stroudsburg Borough, **Monroe County**. The sources include boilers and emergency generators. The permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**66-00013: UGI Energy Services, LLC** (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) The Department issued, on 4/25/19, a State-Only (Natural Minor) Operating Permit for operation of sources at aggregate natural gas transmission and LNG processing facilities in Washington Township, **Wyoming County**. The sources include eight engines controlled by oxidation catalysts, heaters/reboilers, a turbine, emergency generators, a condensate storage tank, a dehydration unit, and associated pneumatic devices, venting, and pigging operations. The permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**58-00002: Diaz Manufacturing Co., LLC** (747 Grow Avenue, Montrose Avenue). On April 29, 2019, the Department issued a renewal State-Only (Natural Minor) Permit for wood window and door manufacturing in Bridgewater Township, **Susquehanna County**. The sources consist of a wood fired boiler and wood working equipment with a dual multi-clone and baghouse as the control devices. 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 volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**22-03055: Rausch Creek Drying & Packaging LLC** (Machamer Avenue, P.O. Box 1, Wiconisco, PA 17097-0001) on April 26, 2019, for the coal preparation plant located in Wiconisco Township, **Dauphin County**. The State-only permit was renewed.

**07-03034: Alpha Assembly Solutions** (4100 6th Avenue, Altoona, PA 16602) on April 26, 2019, for the secondary lead smelting and reclamation plant located in Altoona City, **Blair County**. The State-only permit was renewed.

**06-05157: PA Department of Public Works** (3560 Old Route 22, Hamburg, PA 19526-8373) on April 25, 2019, for the boilers and generators at the Hamburg Center Intermediate Care facility located in Windsor Township, **Berks County**.

**36-03048: Hubbard Feeds, Inc.** (3349 Hempland Road, Lancaster, PA 17601-1315) on April 25, 2019, for the feed mill located in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**65-00871: OPCO, Inc.** (205 W Harrison Ave, Latrobe, PA 15650) Synthetic Minor State-Only Operating Permit on April 25, 2019, the Department of Environmental Protection (DEP) authorized a renewed synthetic minor State-only operating permit for a facility that manufactures polystyrene foam products and is located in the City of Latrobe, **Westmoreland County**. The permit includes emission limits, operating requirements, monitoring requirements, and recordkeeping requirements for the site.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215.685.9476.*

**OP18-000045: Comcast Technology Center** (1800 Arch Street, Philadelphia, PA 19103) issued on April 29, 2019 for the operation of a real estate investment trust in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) emergency generators firing diesel fuel each rated 1,500 kW or less and three (3) fire pumps firing diesel fuel rated 488 hp or less.

**OP18-000036: The Lits Building** (701 Market Street, Philadelphia, PA 19106) issued on April 29, 2019 for the operation of an establishment primarily engaged in leasing real property in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas and No. 2 fuel oil during periods of natural gas curtailment each rated 7.938 MMBtu/hr, two (2) emergency generators firing diesel fuel each rated 800 kW or less, and one (1) fire pump firing diesel fuel rated 102.2 kW.

**OP19-000003: S.D. Richman Sons, Inc.** (2435 Wheatsheaf Lane, Philadelphia, PA 19137) for the operation of a scrap materials shredding facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are the shredder and the associated units, including an infeed conveyor, a magnet feed con-



veyor, two vibratory feeders, a non-ferrous stockpile conveyor, a ferrous conveyor, a sorting conveyor, and a radial conveyor. The shredder and the associated units are operated using electricity. The plant can process 15–40 tons per hour of scrap materials, including ferrous and non-ferrous materials.

## 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.*

**32141301(Formerly 32101701) and NPDES No. PA0235890. Consol Mining Company LLC**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the O'Donnell No. 4/Manor No. 8 Treatment System in Washington Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 22, 2016. Application received: June 3, 2015. Permit issued: April 25, 2019.

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** and Richhill Township, **Greene County** and related NPDES permit for installation of a degas borehole. Surface Acres Proposed 3.3. No additional discharges. The application was considered administratively complete on January 11, 2019. Application received: September 5, 2018. Permit issued: April 26, 2019.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 32020105. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661, permit renewal for reclamation only of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 126 acres. Receiving streams: unnamed tributary to and Little Mahoning Creek, classified for the following use: High Quality—cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 1, 2019. Permit issued: April 23, 2019.

**Permit No. 56080108 and NPDES No. PA0262692, PBS Coals, Inc.**, P.O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting

377.7 acres. Receiving streams: unnamed tributary to Blue Lick Creek; unnamed tributary to Swamp Creek; and unnamed tributary to Buffalo Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 11, 2019. Permit issued: April 23, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**17130102. P & N Coal Company, Inc.** (P.O. Box 332, 240 West Mahoning Street, Punxsutawney, PA 15767). Permit renewal for reclamation only of a bituminous surface coal mine located in Pike Township, **Clearfield County** affecting 59.0 acres. Receiving stream(s): Unnamed Tributary to Anderson Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 30, 2019. Permit issued: April 18, 2019.

**17803094. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for reclamation only of a bituminous surface coal mine located in Goshen Township, **Clearfield County** affecting 307.9 acres. Receiving stream(s): Little Trout Run to Trout Run classified for the following use(s): HQ—CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: January 30, 2019. Permit issued: April 18, 2019.

**17940101. Forcey Coal, Inc.** (475 Banion Road, Madera, PA 16661). Permit renewal for reclamation only of a bituminous surface coal mine located in Beccaria Township, **Clearfield County** affecting 53.0 acres. Receiving stream(s): Unnamed Tributary to Muddy Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: January 30, 2019. Permit issued: April 18, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 40840203R7. Blaschak Coal Corp.**, (P.O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 80.0 acres, receiving stream: Nescopeck Creek. Application received: October 23, 2018. Renewal issued: April 25, 2019.

**Permit No. PAM110004R2. Blaschak Coal Corp.**, (P.O. Box 12, Mahanoy City, PA 17948), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40840203 in Hazle Township, **Luzerne County**, receiving stream: Nescopeck Creek. Application received: October 23, 2018. Renewed issued: April 25, 2019.

**Permit No. 54830104R7. Hardway Coal Company**, (44 Keystoker Lane, Schuylkill Haven, PA 17972), renewal of an existing anthracite surface mine, coal refuse reprocessing and preparation plant operation in Cass Township, **Schuylkill County** affecting 61.5 acres, receiving stream: West Branch Schuylkill River. Application received: December 19, 2018. Renewal issued: April 25, 2019.

**Permit No. PAM111083R. Hardway Coal Company**, (44 Keystoker Lane, Schuylkill Haven, PA 17972), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54830104 in Cass Town-

ship, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: December 19, 2018. Renewed issued: April 25, 2019.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**PAM 413003GP104. Black Resources, Inc.**, 162 Cumberland Street, Berlin, PA 15530. General NPDES Permit for stormwater discharges associated with mining activities on Permit No. 56092801 located in Somerset Township, **Somerset County**. Receiving stream: unnamed tributary to Kimberly Run, classified for the following use: cold water fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: March 4, 2019. Coverage Approved: April 23, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**4773SM2 and NPDES PA0596680. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195). Renewal for an existing NPDES and to add 0.7 to the permit area on a large noncoal surface mining site located in Potter Township, **Centre County** affecting 18.7 acres. Receiving stream(s): Unnamed Tributary to Cedar Run classified for the following use(s): CWF, MF. Application received: December 26, 2018. Permit issued: April 15, 2019.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**PAM317003. Jeffrey L. Sager** (503 Mikula Road, Belle Vernon, PA 15012-1152). General NPDES permit for stormwater discharge associated with mining activities on an existing small noncoal (Industrial Mineral), Permit No. 26910304, located in Perry Township, **Fayette County** affecting 20.0 acres. Application received: August 25, 2017. GP-104 permit issued: April 26, 2019.

**PRIMACY BOND FORFEITURE PROJECT**

*Office of Active and Abandoned Mine Operations, 186 Enterprise Drive, Philipsburg, PA 16866, Telephone (814) 342-8137.*

Primacy Bond Forfeiture Project	PBF 17841605.2
Location	Chest Township Clearfield County Pennsylvania
Description	Benjamin Coal Company Preparation Plant # 3
Contractor	Earth Shapers, LLC 2502 Cardiff Road Ebensburg, PA 15931
Amount	\$322,500.00
Date of Award	April 24, 2019

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**59194104. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345). Blasting for the Putnam Pipeline located in Ward and Sullivan Townships, **Tioga County** and Armenia Township, **Bradford County** with an expiration date of April 15, 2020. Permit issued: April 15, 2019.

**14194104. Douglas Explosives, Inc.** (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866). Blasting for residential development, Deerhaven Subdivision, located in Walker Township, **Centre County** with an expiration date of December 30, 2019. Permit issued: April 23, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 22194104. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Tru of Grantville in East Hanover Township, **Dauphin County** with an expiration date of April 17, 2020. Permit issued: April 23, 2019.

**Permit No. 40194102. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Sand Springs in Butler Township, **Luzerne County** with an expiration date of April 4, 2020. Permit issued: April 23, 2019.

**Permit No. 40194103. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Elwood Avenue Development in Wright Township, **Luzerne County** with an expiration date of April 12, 2020. Permit issued: April 23, 2019.

**Permit No. 40194104. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point II B East in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of April 30, 2020. Permit issued: April 23, 2019.

**Permit No. 40194105. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point II B East in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of April 30, 2020. Permit issued: April 23, 2019.

**Permit No. 22194106. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Tru of Grantville in East Hanover Township, **Dauphin County** with an expiration date of April 17, 2020. Permit issued: April 24, 2019.

**Permit No. 06194110. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Willow Glen Lots 93 to 95 in Ontelaunee Township, **Berks County** with an expiration date of April 11, 2020. Permit issued: April 25, 2019.

**Permit No. 06194111. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Willow Glen Lots 51 to 54 in Ontelaunee Township, **Berks County** with an expiration date of April 11, 2020. Permit issued: April 25, 2019.

**Permit No. 06194112. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Willow Glen Lot 2 in Ontelaunee Township, **Berks County** with an expiration date of April 11, 2020. Permit issued: April 25, 2019.

**Permit No. 38194107. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Royal Oaks Lot 3 in North Cornwall Township,



**Lebanon County** with an expiration date of July 30, 2019. Permit issued: April 25, 2019.

### 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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### 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

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E02052-1810, Sharpsburg Borough**, 1611 Main Street, Pittsburgh, PA 15215, Sharpsburg Borough, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a new jack-and-bore 48" diameter steel pipe outfall within the Allegheny River (WWF).

2. The project will permanently impact 10 LF of stream and 0.004 acre of floodway. The project will temporarily impact 20 LF of stream and 0.09 acre of floodplain.

3. Due to the nature of the project, mitigation is not required.

The project site is located along 7th Street and Ravine Street (Glenshaw & Pittsburgh East, PA USGS topographic quadrangle; N: 40°, 29', 41"; W: -79°, 56', 06"; Sub-basin 18A; USACE Pittsburgh District), in Sharpsburg Borough, Allegheny County.

**E11-359, PennDOT District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Adams and Richland Townships, **Cambria County**; Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing 40' long, 24" corrugated metal pipe carrying Brewer Road (T-358) over a UNT to Clapboard Run (identified as UNTLCR02; WWF), and having a drainage area less than 100 acres; construct and maintain a replacement 55' long 30" CMP in the same location.

2. Upstream from the first culvert, remove 11' of the existing 153' long 24" reinforced concrete pipe enclosure carrying the same UNT (UNTLCR02) and extend the pipe by 11' downstream and 35' upstream for a total enclosure length of 186'; upstream from this pipe place and maintain fill in 56' of this same UNT and construct and maintain a 15' long relocated replacement channel to align with the new culvert inlet.

3. Remove the existing 50' long 18" reinforced concrete pipe carrying SR 3024 over a UNT to UNTLCR02 (identified as UNTLCR02A; WWF) having drainage area less than 100 acres. This UNT currently enters the culvert via drop box along SR 3024; this drop box will also be removed. Construct and maintain a new drop box and a 70' long 18" RCP in the same location.

4. Remove the existing 12" reinforced concrete pipe (unknown length) carrying a UNT to South Fork Little Conemaugh River (identified as UNTLCR01; CWF) having drainage area less than 100 acres; construct and maintain a replacement 5' long 24" corrugated metal pipe and new drop box upstream of the existing pipe location. Replace the existing 154' long 15" corrugated plastic pipe carrying this same UNT including a drop box; construct and maintain a replacement drop box and a 154' long 24" corrugated metal pipe in the same location including an additional drop box.

5. In addition, construct and maintain roadway associated stormwater features and place and maintain fill in a de minimis 0.009 acre of PEM/PSS wetlands. No wetland mitigation is required; stream mitigation will occur on-site.

The project site is located at the five-way intersection of Frankstown Road, Solomon Run Road, Ragers Hill Road, Mount Hope Road, and Clapboard Run Road (Geistown, PA USGS topographic quadrangle; N: 40°, 20', 26.17"; W: -78°, 48', 56.62"; Sub-basin 18E; USACE Pittsburgh District), in Adams and Richland Townships, Cambria County.

**E30-258, Columbia Gas Transmission, LLC**, 1700 MacCorkle Avenue SE, Charleston, WV 25314, Gilmore Township, **Greene County**, Pittsburgh ACOE District.

Has been given consent to:

Place and maintain fill in 0.03 acre of palustrine emergent (PEM) wetland, adjacent to and on the left bank of White Creek (WWF), for the purpose of protecting and increasing safety and accessibility for the operation and maintenance of the existing Hero Main Line Valve. Mitigation for these impacts will occur through the purchase of 0.04 wetland credits from the Robinson Fork, Phase I Mitigation Bank, located in Washington County, PA.

The project is located just south of the intersection of Jollytown Road and Hero Road (Wadestown, PA Quad-range, N: 17.5 inches; W: 14.0 inches; Latitude: 39° 43' -17"; Longitude: -80° 21' 1.2") in Gilmore Township, Greene County.

**E63-722, PennDOT District 12-0**, 825 North Gallatin Avenue Extension, Uniontown, PA 15401, Marianna Borough, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Maintain 200' of streambank stabilization along Tenmile Creek (TSF) with a drainage area of 99.2 square miles. The streambank stabilization is adjacent to and immediately downstream of the Marianna Dam. The first 50' of streambank stabilization immediately downstream of the dam consists of grouted class R-9 rip-rap. The streambank stabilization was constructed under an emergency permit (DEP File No. EP6317207) to repair a slide and prevent loss of the SR 2020 road surface. In addition, maintain an 81' long rock vane deflector in Tenmile Creek adjacent to the slide repair area. 350' of stream was temporarily impacted for the purpose of constructing these encroachments. No mitigation was required.

The project site is located approximately 0.3 mile northeast of the intersection of SR 2020 and Maple Street (Ellsworth, PA USGS topographic quadrangle; N: 40°, 1', 11.34"; W: -80°, 5', 41.22"; Sub-basin 19B; USACE Pittsburgh District), in Marianna Borough, Washington County.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**D36-026EA. David Smith**, Director, Lancaster County Career and Technology Center, 432 Old Market Street, Mount Joy, PA 17552, Mount Joy and Rapho Townships, **Lancaster County**, USACOE Baltimore District.

Project proposes to remove the Mt. Joy Water Works Dam to eliminate a threat to public safety and to restore approximately 2,500 feet of stream channel to a free-flowing condition. The project is located across Little Chiques Creek (TSF, MF) (Columbia West, PA Quad-range, Latitude: 40.1203; Longitude: -76.5003).

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.*

<i>ESCGP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00055190001	Columbia Gas William Timmermeyer 1700 MacCorkle Avenue Charleston, WV 25314	Franklin	Quincy Township	UNT West Branch Antietam (CWF, MF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-3 # ESG295319003-00  
Applicant Name Pennsylvania General Energy Company, LLC  
Contact Person Robert A. Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Potter  
Township(s) Sylvania & Wharton Twps.  
Receiving Stream(s) and Classification(s) Primary Water-

shed(s): (1) East Fork Sinnemahoning Creek (EV), (2) Bentley Hollow (EV), (3) Hunter Hollow (EV), (4) Little Nelson Run (EV), (5) Black Stump Hollow (EV), (6) Gas Well Hollow (EV), (7) Schoolhouse Run (EV), (8) UNTs to Birch Run (EV), and (9) UNTs to Right Branch Big Nelson Run (EV).

Secondary Watershed(s): (1 & 4) First Fork Sinnemahoning Creek (EV), (2, 3, 5 & 7) East Fork Sinnemahoning Creek (EV), (6 & 9) Right Branch Big Nelson Run (EV), (8) Birch Run (EV).



ESCGP-3 # ESG290818001-00  
 Applicant Name Repsol Oil & Gas USA, LLC  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Columbia & Sylvania Twps.  
 Receiving Stream(s) and Classification(s) UNT to Morgan  
 Creek (TSF, MF), UNT to Sugar Creek (TSF, MF),  
 Sugar Creek (TSF, MF)  
 Secondary: Morgan Creek (TSF, MF) and Susquehanna  
 River (WWF, MF)

ESCGP-3 # ESG295719002-00  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Jeffrey J. Deegan  
 Address 1720 Sycamore Road  
 City, State, Zip Montoursville, PA 17754  
 County Sullivan  
 Township(s) Forks Twp.  
 Receiving Stream(s) and Classification(s) Primary Water-  
 shed(s): Streby Run (CWF, EV)  
 Secondary Watershed(s): Lick Creek (CWF, EV)

ESCGP-3 # ESG290819004-00  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Scott Kinter  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wyalusing Twp.  
 Receiving Stream(s) and Classification(s) UNT to Wyalus-  
 ing Creek (WWF, MF), UNT to Brewer Creek (WWF,  
 MF), Brewer Creek (WWF, MF);  
 Secondary: Wyalusing Creek (WWF, MF)

ESCGP-3 # ESG290818003-00  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Jeffrey Deegan  
 Address 1720 Sycamore Road  
 City, State, Zip Montoursville, PA 17754  
 County Bradford  
 Township(s) Overton Twp.  
 Receiving Stream(s) and Classification(s) Schrader Creek  
 (HQ, MF)  
 Secondary: Towanda Creek (TSF, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contami-

nants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Prem Ventures (former Shavertown Service)**, Storage Tank ID # 40-14479, 125 North Memorial Highway, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Prem Ventures LLC, 799 Coon Road, Wyoming, PA 18644, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the nonresidential Statewide Health Standards.

**Former Egan Oil**, Storage Tank ID # 40-28631, 871 Exeter Avenue, Exeter Borough, **Luzerne County**. Quad Three Group, 37 North Washington Avenue, Wilkes-Barre, PA 18701, on behalf of K3 Development LLC, 133 Philadelphia Avenue, West Pittston, PA 18643, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Shell Dickson City # 8**, Storage Tank ID # 35-27646, 1031 Scranton-Carbondale Highway (Route 6), Dickson City Borough, **Lackawanna County**. LaBella, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of SMS Petroleum LLC, 50 Cragwood Road, Suite 308, South Plainfield, NJ 07080, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, 1,3,5-Trimethylbenzene, and 1,2,4-Trimethylbenzene and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, 1,3,5-Trimethylbenzene, and 1,2,4-Trimethylbenzene. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

**Sunoco-Kingston Terminal**, Storage Tank ID # 40-50375, 60 South Wyoming Avenue, Edwardsville Borough, **Luzerne County**. Aquaterra Technologies, P.O. Box 744, West Chester, PA 19381, on behalf of Evergreen Resources Group LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Former Davis Manor**, Storage Tank ID # 40-33622, 1134 Hollow Road, Dorrance Township, **Luzerne County**. Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Jennifer and Christine Dragoun, 4 Clover Lane, Malvern, PA 19355, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Ethylene dibromide, 1,2-Dichloroethane, and total lead and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Ethylene dibromide, 1,2-Dichloroethane, and dissolved lead. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Septa Fern Rock Sta Shop**, 51-44859, 11th & Grange St., **City of Philadelphia**. Michael Baker International, 1818 Market Street, Suite 1310, Philadelphia, PA 19103, on behalf of SEPTA, 1234 Market Street, Philadelphia, PA 19107 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with diesel fuel oil. The report is intended to document remediation of the site to meet the nonresidential Statewide health standards.

**Asphalt Maint**, 15-55166, 209 N Morehall Rd., East Whiteland Township, **Chester County**. Advanced GeoServices, 1878 Marlton Pike East, Suite 10, Cherry Hill, NJ 08003, on behalf of Charles Morelli, 451 Swedesford Road, Frazer, PA 19355, submitted a Remedial Action Plan concerning remediation of soil contaminated with coal tar. The report is intended to document remediation of the site to meet the nonresidential Statewide health standards.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Sandy B. Petruso Estate**, Storage Tank Primary Facility ID # 20-91569, 1121 Park Avenue, City of Meadville, **Crawford County**. Flynn Environmental, Inc., 5640 Whipple Avenue, North Canton, OH 44720, on behalf of Mr. Emil Spadafore, 955 Market Street, Meadville, PA 16335 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4 Trimethylbenzene, and 1,3,5 Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Country Fair 30**, Storage Tank Primary Facility ID # 20-90118, 18163 Conneaut Lake Road, Vernon Township, **Crawford County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4 Trimethylbenzene, and 1,3,5 Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sheetz 153**, Storage Tank Primary Facility ID # 20-31643, 18425 Smock Highway, Vernon Township, **Crawford County**. EnviroTrac, Ltd., 176 Thorn Hill Road,

Warrendale, PA 16365, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, MTBE, 1,2,4 trimethylbenzene, and 1,3,5 trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101–6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**JW Sunoco**, Storage Tank ID # 39-24150, 1845 West Liberty Street, Allentown City, **Lehigh County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Service Electric Cable and Television Inc., 1045 Hamilton Street, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The Remedial Action Plan was acceptable to meet a combination of Site-Specific and Statewide Health Standards and was approved by DEP on April 24, 2019.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Bruceton Farm Services Store # 42**, Storage Tank Primary Facility ID # 30-23924, 1550 East High Street, Waynesburg, PA 15370, Waynesburg Borough, **Greene County**. Letterle & Associates, 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farms Service, Inc., 1768 Mileground Road, Morgantown, WV 26505-3753, submitted a Remedial Action Completion Report Addendum concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report Addendum demonstrated attainment of the Site-Specific Standard for soil groundwater and was approved on April 11, 2019.

**Jeff's Service Station**, Storage Tank Primary Facility ID # 11-25183, 3606 Bigler Avenue, Northern Cambria, PA 15714, Northern Cambria Borough, **Cambria County**. ATC Group Services, Inc., 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Edward P. Shea, 3606 Bigler Avenue, Northern Cambria, PA 15714, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard for soil groundwater and was approved on April 12, 2019.

**Foodtracks 76**, Storage Tank Primary Facility ID # 63-37604, 3351 Washington Road, Peters Township, PA 15317, Peters Township, **Washington County**. Flynn Environmental, Inc., 5640 Whipple Avenue, N.W., North Canton, OH 44720, on behalf of Breaktime USA, Inc., 5812 Peters Road, Cranberry, PA 16066, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard for soil groundwater and was approved on April 15, 2019.

**Former Center Independent Oil**, Storage Tank Primary Facility ID # 26-80065, 522 Morgantown Street, Uniontown, PA 15401, South Union Township, **Fayette County**. ATC Group Services, Inc., 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Steve and Margaret Seman, 5 Liberty Circle, Fairchance, PA 15436, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard for soil groundwater and was approved on April 17, 2019.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Sandy B. Petruso Estate**, Storage Tank Primary Facility ID # 20-91569, 1121 Park Avenue, City of Meadville, **Crawford County**. Flynn Environmental, Inc., 5640 Whipple Avenue, North Canton, OH 44720, on behalf of Mr. Emil Spadafore, 955 Market Street, Meadville, PA 16335 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4 Trimethylbenzene, and 1,3,5 Trimethylbenzene. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 17, 2019.

**Country Fair 30**, Storage Tank Primary Facility ID # 20-90118, 18163 Conneaut Lake Road, Vernon Township, **Crawford County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4 Trimethylbenzene, and 1,3,5 Trimethylbenzene. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 23, 2019.

---

## SPECIAL NOTICES

---

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

### TREATMENT PLANT REHABILITATION PROJECT ADVERTISEMENT

The following rehabilitation project is currently being advertised:

At the direction of Woodland's Bank, the Administrator of the Antrim Treatment Trust, the Department of Environmental Protection is soliciting interest/cost proposals from eligible contractors to carry out the rehabilitation of the Antrim Mine Drainage Treatment Plant in Duncan Township, Tioga County. Plans and specifications for the rehabilitation have been developed by BioMost, Inc. of Mars, PA.

A pre-proposal site meeting is scheduled for Wednesday, May 22, 2019, at 10 a.m. to review plans at the plant with all interested parties. Representatives of BioMost, Inc. will be on hand to explain the tasks to be carried out to complete the project. A phased or divided approach with multiple smaller contracts will be considered.

This is the second pre-proposal meeting set to be scheduled. Representatives of the Antrim Treatment Trust deemed that there was insufficient contractor representation at the first meeting to assure competitive bidding.

To assure an adequate number of specification packages at the site meeting, preregistration is necessary via a letter of interest or verbal confirmation. Preregister through Aaron Pontzer, Mining Permit and Compliance Specialist, Moshannon District Office, Department of Environmental Protection, 186 Enterprise Drive, Philipsburg, PA 16866, no later than 3:30 p.m., May 20, 2019. Telephone inquiries shall be directed to Aaron Pontzer at (814) 342.8200.

*Project Overview:* Rehabilitation of the treatment plant will include but is not limited to the following tasks: preparations, recovery and transport of an existing 50 ton, 40-foot tall, 12-foot diameter lime silo from Summerville, PA to Antrim; site preparation at Antrim including excavation, preparation of new concrete footers or foundations, and drilling through existing foundations; extensive relocation and replumbing of multiple lines up to 12 inches in diameter; installation of new plumbing; setting of prestressed concrete tankage with chemical feed and air blower systems; setting of the lime silo; installation of electrical conduit; setting of multiple pumps; replumbing to existing clarifier tank; revegetation of all disturbed areas; implementation of erosion and sedimentation controls and removal of those controls when stabilization is achieved.

[Pa.B. Doc. No. 19-696. Filed for public inspection May 10, 2019, 9:00 a.m.]



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft Stream Evaluation Report for Tohickon Creek; Public Comment Period Extension

The Department of Environmental Protection (Department) gives notice, under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), that the Draft Tohickon Creek Stream Evaluation Report is available for public comment. An initial notification was disseminated on April 13, 2019, with a 30-day comment period ending on May 13, 2019. Based on multiple requests, the Department is extending the comment period for an additional 60 days, through July 11, 2019.

Tohickon Creek is a freestone tributary to the Delaware River. The Tohickon Creek evaluation was conducted in response to a petition from Marion and Neil Kyde on behalf of the Tincum Conservancy that was accepted for study by the Environmental Quality Board on September 19, 1995. The petition requests the lower mainstem portion of Tohickon Creek be redesignated to Exceptional Value. With the exception of the Warm Water Fishes, Migratory Fishes designation of Deep Run, the lower Tohickon Creek basin is currently designated Cold Water Fishes, Migratory Fishes. The petitioned mainstem originates at Lake Nockamixon Dam in Nockamixon and Bedminster Townships, Bucks County and flows southeast through Tincum and Plumstead Townships until it empties into the Delaware River.

The draft report is available for review on the Department's eComment web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

The Department has asked local jurisdictions to make a copy of this notification available to any and all interested citizens, including those who own real property in the previously listed municipalities and to any other parties the municipalities believe may be interested in this evaluation and draft report.

Interested persons may submit comments on the draft report through Thursday, July 11, 2019. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can also be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments received on the draft report during the public comment period will be reviewed and considered in the Department's evaluation.

For further information, contact Mark Brickner, Division of Water Quality, at [mbrickner@pa.gov](mailto:mbrickner@pa.gov) or (717) 787-9637. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 can contact the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-697. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, extends for 12 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Flow Treatment Facilities (PAG-04).

The existing PAG-04 General Permit in effect at this time will expire on May 11, 2019. Persons that are currently operating under the PAG-04 General Permit may continue to operate until May 11, 2020. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-04 General Permit. During the period of administrative extension, no new coverage under the PAG-04 General Permit may be authorized by the Department.

To access the General Permit and related documents, visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Clean Water," then "PAG-04 Discharges from Small Flow Treatment Facilities 3800-PM-BCW0093").

Questions regarding the PAG-04 General Permit for Small Flow Treatment Facilities can be directed to Sean M. Furjanic, PE, at [sefurjanic@pa.gov](mailto:sefurjanic@pa.gov) or (717) 787-2137.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-698. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of National Pollutant Discharge Elimination System General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, extends for 12 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06).

The existing PAG-06 General Permit in effect at this time will expire on May 31, 2019. Persons that are currently operating under the PAG-06 General Permit may continue to operate until May 31, 2020. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-06 General Permit. During the period of administrative extension, no new coverage under the PAG-06 General Permit may be authorized by the Department.



To access the General Permit and related documents, visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Clean Water," then "PAG-06 General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems 3800-PM-BCW0076").

Questions regarding the PAG-06 General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems can be directed to Sean M. Furjanic, PE, at [sfurjanic@pa.gov](mailto:sfurjanic@pa.gov) or (717) 787-2137.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-699. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed Annual Monitoring Network Plan for Philadelphia

Part 58 of 40 CFR (relating to ambient air quality surveillance) requires state and local air pollution control agencies to adopt and submit to the United States Environmental Protection Agency (EPA) Regional Administrator an Annual Monitoring Network Plan (AMNP) by July 1, 2019. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. A proposed AMNP must be made available for public inspection and comment for at least 30 days prior to submission to the EPA.

Air Management Services is the local air pollution control agency for the City of Philadelphia (City) under the Department of Public Health. The City has an air monitoring network of 10 air monitoring stations that house instruments that measure ambient levels of air pollutants.

The proposed AMNP is available for public inspection on the City's web site at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/> and at Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, during normal business hours. For further information contact Jason Li, Engineering Supervisor of Program Services, at (215) 685-9440.

Written comments on the proposed AMNP should be sent to Jason Li, Engineering Supervisor of Program Services, Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104 or [jiazheng.li@phila.gov](mailto:jiazheng.li@phila.gov). Use "2019 Air Monitoring Network Plan" as the subject line in written communication. Only written and e-mailed comments will be accepted. Comments received by facsimile will not be accepted. Persons wishing to file comments on the proposed AMNP must submit comments by June 11, 2019.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-700. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Solid Waste Advisory Committee and Recycling Fund Advisory Committee Joint Meeting

The Solid Waste Advisory Committee meeting scheduled for Thursday, June 6, 2019, will now be a joint meeting to include the Recycling Fund Advisory Committee. The meeting will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the June 6, 2019, meeting can be directed to Laura Henry at [lahenry@pa.gov](mailto:lahenry@pa.gov) or (717) 772-5713. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Waste Advisory Committees," then "Solid Waste Advisory Committee (SWAC)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2388 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-701. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Storage Tank Advisory Committee Meeting Cancellation

The June 4, 2019, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for September 10, 2019, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the September 10, 2019, meeting can be directed to Kris A. Shiffer at [kshiffer@pa.gov](mailto:kshiffer@pa.gov) or (717) 772-5809. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Storage Tank Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5809 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-702. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Newborn Screening and Follow-Up Program; Mandatory Newborn Screening System Training June 2019; New User Types Must Report all Diagnostic Information Beginning July 1, 2019**

Since July 2016, the Department of Health’s (Department) Newborn Screening Program has been using the Pennsylvania Internet Case Management System (iCMS) as a repository and case management system for three types of newborn screenings: dried blood spot screening; hearing screening; and critical congenital heart defects screening.

Effective July 1, 2019, all referrals to providers will be sent electronically and all diagnostic results and follow-up activities for all three screening types must be submitted electronically in iCMS.

As a result, the Department is providing four separate mandatory online system training sessions on June 4, 2019, and June 5, 2019, to instruct each new user type:

- Pediatric endocrinology and immunology treatment centers—Tuesday, June 4, 2019, 10 a.m. to 11 a.m.
- Pediatric audiologists—Tuesday, June 4, 2019, 1 p.m. to 2 p.m.
- Pediatric cardiologists—Wednesday, June 5, 2019, 10 a.m. to 11 a.m.
- Primary care providers and pediatricians—Wednesday, June 5, 2019, 1 p.m. to 2 p.m.

If a provider is not able to participate in the scheduled mandatory online training session, the provider must contact the Department.

For additional information, contact Stacey Gustin, Program Manager, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-703. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices**

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective May 1, 2019, through June 30, 2019, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.35
Beans/Peas—Dry—16 oz. ....	\$2.18
Canned Fish—Pink Salmon ....	\$2.20
Canned Fish—Sardines ....	\$1.50
Canned Fish—Tuna ....	\$1.29
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$7.31
Eggs ....	\$2.35
Infant Cereal—8 oz. ....	\$2.55
Infant Fruits, 100%—4 oz. ....	\$1.07
Infant Vegetables, 100%—4 oz. ....	\$1.07
Infant Meats, 100%—2.5 oz. ....	\$1.16
Juice—11.5/12 oz. ....	\$2.76
Juice—48 oz. ....	\$3.45
Juice—64 oz. ....	\$4.19
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.27
Milk, Dry—25.6 oz. ....	\$9.55
Milk, Evaporated—12 oz. ....	\$1.53
Milk, Lowfat and 2%—quart ....	\$1.36
Milk, Lowfat and 2%—1/2 gallon ....	\$2.29
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.09
Milk, Whole—quart ....	\$1.45
Milk, Whole—1/2 gallon ....	\$2.29
Milk, Whole Lactose Free—quart ....	\$2.67
Milk, Whole Lactose Free—1/2 gallon ....	\$4.19
Peanut Butter—16—18 oz. ....	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.29
Soy Beverage—8th Continent 64 oz. ....	\$3.89
Tofu—16 oz. ....	\$2.57
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Bread, 24 oz. ....	\$3.95
Whole Grain—Brown Rice, 16 oz. ....	\$1.80
Whole Grain—Brown Rice, 24 oz. ....	\$3.32
Whole Grain—Oats, 16 oz. ....	\$2.44
Whole Grain—Oats, 24 oz. ....	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.57
Whole Wheat Pasta ....	\$1.37
Yogurt Nonfat ....	\$3.30
Yogurt Lowfat ....	\$3.30
Yogurt Wholefat ....	\$3.40
Boost RTF Formula—8 oz. ....	\$1.79
EnfaCare RTF Formula—32 oz. ....	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$18.00
Nutramigen Concentrate Formula—13 oz. ....	\$7.59
Nutramigen RTF Formula—32 oz. ....	\$10.64
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$28.40
Pediasure RTF Formula—8 oz. ....	\$1.93
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.09
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.95
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.45
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.65

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.96
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$28.39
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$7.99
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.95
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$19.29
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. ....	\$22.49
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$8.05
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$18.49
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.49
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$17.65
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.51
Similac Soy Isomil RTF Formula—Pink— 32 oz. ....	\$8.09
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.99
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$17.15

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective May 1, 2019, through June 30, 2019, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.29
Beans/Peas—Dry—16 oz. ....	\$1.98
Canned Fish—Pink Salmon ....	\$2.19
Canned Fish—Sardines ....	\$1.43
Canned Fish—Tuna ....	\$1.19
Cereal (per oz.) ....	\$0.31
Cheese, 16 oz. ....	\$6.84
Eggs ....	\$2.29
Infant Cereal—8 oz. ....	\$2.44
Infant Fruits, 100%—4 oz. ....	\$0.94
Infant Vegetables, 100%—4 oz. ....	\$0.94
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.59
Juice—48 oz. ....	\$3.30
Juice—64 oz. ....	\$3.79
Kosher Cheese—16 oz. ....	\$7.79
Kosher Lowfat Milk—1/2 gallon ....	\$3.15
Kosher Whole Milk—1/2 gallon ....	\$3.19

<i>Description</i>	<i>Competitive Prices</i>
Milk, Lowfat—1/2 gallon ....	\$2.15
Milk, Whole—1/2 gallon ....	\$2.22
Peanut Butter—16—18 oz. ....	\$3.20
Whole Grain—Bread, 16 oz. ....	\$3.35
Whole Grain—Brown Rice, 16 oz. ....	\$1.69
Whole Grain—Oats, 16 oz. ....	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.43
Whole Wheat Pasta ....	\$1.35
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.35
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.96
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.51
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.99

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective May 1, 2019, through June 30, 2019, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.45
Beans/Peas—Dry—16 oz. ....	\$2.26
Canned Fish—Pink Salmon ....	\$2.26
Canned Fish—Sardines ....	\$1.59
Canned Fish—Tuna ....	\$1.35
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.33
Eggs ....	\$2.45
Infant Cereal—8 oz. ....	\$2.65
Infant Fruits, 100%—4 oz. ....	\$1.10
Infant Vegetables, 100%—4 oz. ....	\$1.10
Infant Meats, 100%—2.5 oz. ....	\$1.22
Juice—11.5/12 oz. ....	\$2.91
Juice—48 oz. ....	\$3.59
Juice—64 oz. ....	\$4.48
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.46
Milk, Dry—25.6 oz. ....	\$9.65
Milk, Evaporated—12 oz. ....	\$1.63
Milk, Lowfat and 2%—quart ....	\$1.42
Milk, Lowfat and 2%—1/2 gallon ....	\$2.32
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.52
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.29
Milk, Whole—quart ....	\$1.50
Milk, Whole—1/2 gallon ....	\$2.49
Milk, Whole Lactose Free—quart ....	\$2.76
Milk, Whole Lactose Free—1/2 gallon ....	\$4.39
Peanut Butter—16—18 oz. ....	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.35



<i>Description</i>	<i>Maximum Allowable Price</i>
Soy Beverage—8th Continent 64 oz. ....	\$3.99
Tofu—16 oz. ....	\$2.62
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Bread, 24 oz. ....	\$4.00
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.39
Whole Grain—Oats, 16 oz. ....	\$2.55
Whole Grain—Oats, 24 oz. ....	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.59
Whole Wheat Pasta ....	\$1.64
Yogurt Nonfat ....	\$3.35
Yogurt Lowfat ....	\$3.35
Yogurt Wholefat ....	\$3.45
Boost RTF Formula—8 oz. ....	\$1.85
EnfaCare RTF Formula—32 oz. ....	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$18.04
Nutramigen Concentrate Formula—13 oz. ....	\$7.65
Nutramigen RTF Formula—32 oz. ....	\$10.74
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$28.45
Pediasure RTF Formula—8 oz. ....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.15
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.04
Similac Advance Concentrate—Blue Formula— 13 oz. ....	\$5.50
Similac Advance RTF—Blue Formula—32 oz. ....	\$7.75
Similac Advance Powder—Blue Formula— 12.4 oz. ....	\$17.08
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$8.09
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$9.07
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$19.49
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. ....	\$22.55
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$8.15
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$18.59
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.70
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$17.85
Similac Soy Isomil Concentrate—Pink Formula— 13 oz. ....	\$5.69
Similac Soy Isomil RTF—Pink Formula— 32 oz. ....	\$8.29
Similac Soy Isomil Powder—Pink Formula— 12.4 oz. ....	\$18.29
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$17.25

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective May 1, 2019, through June 30, 2019, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.30
Beans/Peas—Dry—16 oz. ....	\$2.10
Canned Fish—Pink Salmon ....	\$2.25
Canned Fish—Sardines ....	\$1.49
Canned Fish—Tuna ....	\$1.27
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$6.86
Eggs ....	\$2.39
Infant Cereal—8 oz. ....	\$2.50
Infant Fruits, 100%—4 oz. ....	\$0.99
Infant Vegetables, 100%—4 oz. ....	\$0.99
Infant Meats, 100%—2.5 oz. ....	\$1.20
Juice—11.5/12 oz. ....	\$2.72
Juice—48 oz. ....	\$3.37
Juice—64 oz. ....	\$4.05
Kosher Cheese—16 oz. ....	\$7.89
Kosher Lowfat Milk—1/2 gallon ....	\$3.19
Kosher Whole Milk—1/2 gallon ....	\$3.25
Milk, Lowfat—1/2 gallon ....	\$2.19
Milk, Whole—1/2 gallon ....	\$2.25
Peanut Butter—16—18 oz. ....	\$3.30
Whole Grain—Bread, 16 oz. ....	\$3.39
Whole Grain—Brown Rice, 16 oz. ....	\$1.79
Whole Grain—Oats, 16 oz. ....	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.45
Whole Wheat Pasta ....	\$1.60
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.40
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$17.08
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.69
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$18.29

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective May 1, 2019, through June 30, 2019, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.47
Beans/Peas—Dry—16 oz. ....	\$2.35
Canned Fish—Pink Salmon ....	\$2.30
Canned Fish—Sardines ....	\$1.65
Canned Fish—Tuna ....	\$1.40
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$7.35

<i>Description</i>	<i>Maximum Allowable Price</i>
Eggs	\$3.05
Infant Cereal—8 oz.	\$2.70
Infant Fruits, 100%—4 oz.	\$1.15
Infant Vegetables, 100%—4 oz.	\$1.15
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.96
Juice—48 oz.	\$3.70
Juice—64 oz.	\$4.57
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.30
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.70
Milk, Lowfat and 2%—quart	\$1.47
Milk, Lowfat and 2%—1/2 gallon	\$2.62
Milk, Lowfat and 2% Lactose Free—quart	\$2.59
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.39
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.86
Milk, Whole Lactose Free—1/2 gallon	\$4.49
Peanut Butter—16—18 oz.	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.45
Soy Beverage—8th Continent 64 oz.	\$4.16
Tofu—16 oz.	\$2.72
Whole Grain—Bread, 16 oz.	\$3.63
Whole Grain—Bread, 24 oz.	\$4.07
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Brown Rice, 24 oz.	\$3.59
Whole Grain—Oats, 16 oz.	\$2.70
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.40
Yogurt Lowfat	\$3.40
Yogurt Wholefat	\$3.50
Boost RTF Formula—8 oz.	\$1.89
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.81
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$10.84
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$28.55
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.40
Pediasure Sidekicks RTF Formula—8 oz.	\$2.16
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.65
Similac Advance RTF Formula—Blue—32 oz.	\$7.85
Similac Advance Powder Formula—Blue—12.4 oz.	\$17.87
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.69
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.29
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.24
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$19.69

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.29
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.29
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$19.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$8.19
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$18.05
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.49
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$18.49
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.75

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective May 1, 2019, through June 30, 2019, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.39
Beans/Peas—Dry—16 oz.	\$2.12
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.54
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$6.88
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.55
Infant Fruits, 100%—4 oz.	\$1.02
Infant Vegetables, 100%—4 oz.	\$1.02
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.77
Juice—48 oz.	\$3.59
Juice—64 oz.	\$4.20
Kosher Cheese—16 oz.	\$8.30
Kosher Lowfat Milk—1/2 gallon	\$3.29
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16—18 oz.	\$3.40
Whole Grain—Bread, 16 oz.	\$3.45
Whole Grain—Brown Rice, 16 oz.	\$2.05
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.55

<i>Description</i>	<i>Competitive Prices</i>
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$17.87
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$18.49

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective May 1, 2019, through June 30, 2019, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.38
Beans/Peas—Dry—16 oz. ....	\$2.20
Canned Fish—Pink Salmon ....	\$2.27
Canned Fish—Sardines ....	\$1.60
Canned Fish—Tuna ....	\$1.35
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.45
Eggs ....	\$2.45
Infant Cereal—8 oz. ....	\$2.62
Infant Fruits, 100%—4 oz. ....	\$1.09
Infant Vegetables, 100%—4 oz. ....	\$1.09
Infant Meats, 100%—2.5 oz. ....	\$1.20
Juice—11.5/12 oz. ....	\$2.85
Juice—48 oz. ....	\$3.54
Juice—64 oz. ....	\$4.25
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.43
Milk, Dry—25.6 oz. ....	\$9.65
Milk, Evaporated—12 oz. ....	\$1.59
Milk, Lowfat and 2%—quart ....	\$1.40
Milk, Lowfat and 2%—1/2 gallon ....	\$2.32
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.52
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.19
Milk, Whole—quart ....	\$1.52
Milk, Whole—1/2 gallon ....	\$2.49
Milk, Whole Lactose Free—quart ....	\$2.75
Milk, Whole Lactose Free—1/2 gallon ....	\$4.29
Peanut Butter—16—18 oz. ....	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.35
Soy Beverage—8th Continent 64 oz. ....	\$3.95
Tofu—16 oz. ....	\$2.61
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Bread, 24 oz. ....	\$3.99
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.39
Whole Grain—Oats, 16 oz. ....	\$2.52
Whole Grain—Oats, 24 oz. ....	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.59
Whole Wheat Pasta ....	\$1.47

<i>Description</i>	<i>Maximum Allowable Price</i>
Yogurt Nonfat ....	\$3.35
Yogurt Lowfat ....	\$3.35
Yogurt Wholefat ....	\$3.45
Boost RTF Formula—8 oz. ....	\$1.85
EnfaCare RTF Formula—32 oz. ....	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$18.24
Nutramigen Concentrate Formula—13 oz. ....	\$7.63
Nutramigen RTF Formula—32 oz. ....	\$10.70
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$28.70
Pediasure RTF Formula—8 oz. ....	\$2.04
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.15
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.99
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.50
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.69
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$17.29
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$8.09
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$9.09
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$19.59
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. ....	\$23.17
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$8.09
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$18.99
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.79
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$17.95
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.61
Similac Soy Isomil RTF Formula—Pink— 32 oz. ....	\$8.29
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$18.45
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$17.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective May 1, 2019, through June 30, 2019, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.30
Beans/Peas—Dry—16 oz. ....	\$2.10



<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.48
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.91
Eggs	\$2.39
Infant Cereal—8 oz.	\$2.49
Infant Fruits, 100%—4 oz.	\$0.98
Infant Vegetables, 100%—4 oz.	\$0.98
Infant Meats, 100%—2.5 oz.	\$1.19
Juice—11.5/12 oz.	\$2.65
Juice—48 oz.	\$3.36
Juice—64 oz.	\$3.86
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.29
Milk, Whole—1/2 gallon	\$2.35
Peanut Butter—16—18 oz.	\$3.29
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.50
Whole Wheat Pasta	\$1.40
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.50
Similac Advance Powder Formula—Blue—12.4 oz.	\$17.29
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.61
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$18.45

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective May 1, 2019, through June 30, 2019, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.45
Beans/Peas—Dry—16 oz.	\$2.30
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.72
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.55
Eggs	\$2.65
Infant Cereal—8 oz.	\$2.76
Infant Fruits, 100%—4 oz.	\$1.11
Infant Vegetables, 100%—4 oz.	\$1.11
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.96
Juice—48 oz.	\$3.73
Juice—64 oz.	\$4.54
Kosher Cheese—16 oz.	\$8.40

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.50
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.65
Milk, Lowfat and 2%—quart	\$1.44
Milk, Lowfat and 2%—1/2 gallon	\$2.42
Milk, Lowfat and 2% Lactose Free—quart	\$2.60
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.35
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.80
Milk, Whole Lactose Free—1/2 gallon	\$4.45
Peanut Butter—16—18 oz.	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.40
Soy Beverage—8th Continent 64 oz.	\$4.15
Tofu—16 oz.	\$2.68
Whole Grain—Bread, 16 oz.	\$3.59
Whole Grain—Bread, 24 oz.	\$4.05
Whole Grain—Brown Rice, 16 oz.	\$1.99
Whole Grain—Brown Rice, 24 oz.	\$3.69
Whole Grain—Oats, 16 oz.	\$2.88
Whole Grain—Oats, 24 oz.	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$1.74
Yogurt Nonfat	\$3.40
Yogurt Lowfat	\$3.40
Yogurt Wholefat	\$3.50
Boost RTF Formula—8 oz.	\$1.91
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.38
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$10.80
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$29.10
Pediasure RTF Formula—8 oz.	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.	\$2.19
Pediasure Sidekicks RTF Formula—8 oz.	\$2.07
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.75
Similac Advance RTF Formula—Blue—32 oz.	\$7.79
Similac Advance Powder Formula—Blue—12.4 oz.	\$17.39
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.59
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.49
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.14
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$19.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.40
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.19
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$19.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.89
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$18.05

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.79
Similac Soy Isomil RTF Formula—Pink— 32 oz. ....	\$8.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$18.60
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$17.85

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective May 1, 2019, through June 30, 2019, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.33
Beans/Peas—Dry—16 oz. ....	\$2.13
Canned Fish—Pink Salmon ....	\$2.29
Canned Fish—Sardines ....	\$1.62
Canned Fish—Tuna ....	\$1.32
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.00
Eggs ....	\$2.49
Infant Cereal—8 oz. ....	\$2.62
Infant Fruits, 100%—4 oz. ....	\$1.00
Infant Vegetables, 100%—4 oz. ....	\$1.00
Infant Meats, 100%—2.5 oz. ....	\$1.25
Juice—11.5/12 oz. ....	\$2.80
Juice—48 oz. ....	\$3.46
Juice—64 oz. ....	\$4.10
Kosher Cheese—16 oz. ....	\$8.00
Kosher Lowfat Milk—1/2 gallon ....	\$3.25
Kosher Whole Milk—1/2 gallon ....	\$3.35
Milk, Lowfat—1/2 gallon ....	\$2.35
Milk, Whole—1/2 gallon ....	\$2.39
Peanut Butter—16—18 oz. ....	\$3.39
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Brown Rice, 16 oz. ....	\$1.90
Whole Grain—Oats, 16 oz. ....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.55
Whole Wheat Pasta ....	\$1.70
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.75
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$17.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$18.60

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of

the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective May 1, 2019, through June 30, 2019, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.54
Beans/Peas—Dry—16 oz. ....	\$2.40
Canned Fish—Pink Salmon ....	\$2.49
Canned Fish—Sardines ....	\$1.75
Canned Fish—Tuna ....	\$1.50
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$7.70
Eggs ....	\$3.15
Infant Cereal—8 oz. ....	\$3.10
Infant Fruits, 100%—4 oz. ....	\$1.28
Infant Vegetables, 100%—4 oz. ....	\$1.28
Infant Meats, 100%—2.5 oz. ....	\$1.37
Juice—11.5/12 oz. ....	\$3.03
Juice—48 oz. ....	\$3.86
Juice—64 oz. ....	\$4.63
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.37
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.40
Milk, Dry—9.6 oz. ....	\$4.60
Milk, Dry—25.6 oz. ....	\$9.85
Milk, Evaporated—12 oz. ....	\$1.72
Milk, Lowfat and 2%—quart ....	\$1.59
Milk, Lowfat and 2%—1/2 gallon ....	\$2.72
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.63
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.45
Milk, Whole—quart ....	\$1.74
Milk, Whole—1/2 gallon ....	\$2.79
Milk, Whole Lactose Free—quart ....	\$2.89
Milk, Whole Lactose Free—1/2 gallon ....	\$4.55
Peanut Butter—16—18 oz. ....	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.50
Soy Beverage—8th Continent 64 oz. ....	\$4.30
Tofu—16 oz. ....	\$2.75
Whole Grain—Bread, 16 oz. ....	\$3.65
Whole Grain—Bread, 24 oz. ....	\$4.10
Whole Grain—Brown Rice, 16 oz. ....	\$2.45
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz. ....	\$3.00
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.70
Whole Wheat Pasta ....	\$2.77
Yogurt Nonfat ....	\$3.45
Yogurt Lowfat ....	\$3.45
Yogurt Wholefat ....	\$3.55
Boost RTF Formula—8 oz. ....	\$2.04
EnfaCare RTF Formula—32 oz. ....	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$19.01
Nutramigen Concentrate Formula—13 oz. ....	\$8.19
Nutramigen RTF Formula—32 oz. ....	\$10.90
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$29.30
Pediasure RTF Formula—8 oz. ....	\$2.35
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.45
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.45

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$6.08
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.99
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$18.89
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$10.79
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$30.19
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$8.79
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$9.34
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$19.79
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. ....	\$23.45
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$8.59
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$20.19
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$8.29
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$19.05
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$6.25
Similac Soy Isomil RTF Formula—Pink— 32 oz. ....	\$8.54
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$19.59
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$18.55

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective May 1, 2019, through June 30, 2019, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.50
Beans/Peas—Dry—16 oz. ....	\$2.15
Canned Fish—Pink Salmon ....	\$2.48
Canned Fish—Sardines ....	\$1.68
Canned Fish—Tuna ....	\$1.48
Cereal (per oz.) ....	\$0.35
Cheese, 16 oz. ....	\$7.20
Eggs ....	\$3.09
Infant Cereal—8 oz. ....	\$2.96
Infant Fruits, 100%—4 oz. ....	\$1.15
Infant Vegetables, 100%—4 oz. ....	\$1.15
Infant Meats, 100%—2.5 oz. ....	\$1.35
Juice—11.5/12 oz. ....	\$2.90
Juice—48 oz. ....	\$3.67
Juice—64 oz. ....	\$4.40

<i>Description</i>	<i>Competitive Prices</i>
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat Milk—1/2 gallon ....	\$3.35
Kosher Whole Milk—1/2 gallon ....	\$3.39
Milk, Lowfat—1/2 gallon ....	\$2.58
Milk, Whole—1/2 gallon ....	\$2.70
Peanut Butter—16—18 oz. ....	\$3.59
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Brown Rice, 16 oz. ....	\$2.40
Whole Grain—Oats, 16 oz. ....	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.60
Whole Wheat Pasta ....	\$2.70
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.98
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$18.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$6.25
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$19.59

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-704. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Burn Centers

The Department of Human Services (Department) is providing final notice of its funding allocation, qualifying criteria and payment methodology changes for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to qualifying Medical Assistance enrolled acute care general hospital burn centers.

The Department published notice of its intent to allocate funding for these payments and update the qualifying criteria and payment methodology for these payments at 48 Pa.B. 7462 (December 1, 2018). The Department received no public comments during the 30-day comment period and will implement the changes as described in its notice of intent.

*Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$7.921 million (\$3.782 million in State general funds and \$4.139 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1331. (1) General Fund; (2) Implementing Year 2018-19 is \$3,782,000; (3) 1st Succeed-



ing Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$3,782,000; 2016-17 Program—\$3,782,000; 2015-16 Program—\$3,782,000; (7) Hospital-Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-705. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Certain Academic Medical Centers

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to Medical Assistance enrolled acute care general hospitals that qualify as academic medical centers. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7463 (December 1, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$23.730 million (\$11.331 million in State general funds and \$12.399 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1329. (1) General Fund; (2) Implementing Year 2018-19 is \$11,331,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$24,681,000; 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-706. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Critical Access and Rural Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to qualifying Medical Assistance enrolled critical access hospitals and qualifying rural hospitals. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7589 (Decem-

ber 8, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$28.482 million (\$13.600 million in State general funds and \$14.882 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1328. (1) General Fund; (2) Implementing Year 2018-19 is \$13,600,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$6,997,000; 2016-17 Program—\$6,997,000; 2015-16 Program—\$5,676,000; (7) Medical Assistance—Critical Access Hospitals; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-707. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals that have a low commercial-payer ratio, a negative trend in their net patient revenue and are located in an area of this Commonwealth with a disproportionate need for MA services. The payment is intended to promote continued access to care for the MA population. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7833 (December 22, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$0.628 million (\$0.300 million in State general funds and \$0.328 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1324. (1) General Fund; (2) Implementing Year 2018-19 is \$300,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (3) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-708. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals that provide a high volume of services to MA and low-income populations. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7464 (December 1, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$1.659 million (\$0.792 million in State general funds and \$0.867 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1325. (1) General Fund; (2) Implementing Year 2018-19 is \$792,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-709. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to qualifying Medical Assistance (MA) enrolled acute care general hospitals to promote access to acute care services for MA eligible persons in less urban areas of the Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7834 (December 22, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of these payments, is \$1.571 million (\$0.750 million in State general funds and \$0.821 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1326. (1) General Fund;

(7) Health Program Assistance and Services; (2) Implementing Year 2018-19 is \$300,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$5,000,000; 2016-17 Program—\$0; 2015-16 Program—\$0;

(7) Autism Intervention and Services; (2) Implementing Year 2018-19 is \$450,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$27,669,000; 2016-17 Program—\$22,496,000; 2015-16 Program—\$21,501,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-710. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation, qualifying criteria and payment methodology changes for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to certain Medical Assistance (MA) acute care general hospitals which, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities. These payments are intended to promote access to inpatient hospital services for MA eligible and uninsured persons in this Commonwealth with cleft palate and craniofacial abnormalities.

The Department published notice of its intent to allocate funding for these payments and update the qualifying criteria and payment methodology for these payments at 48 Pa.B. 7463 (December 1, 2018). The Department received no comments during the 30-day comment period and will implement the changes as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$0.524 million (\$0.250 million in State general funds and \$0.274 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1327. (1) General Fund; (2) Implementing Year 2018-19 is \$250,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-711. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF HUMAN SERVICES**

**Disproportionate Share Payments to Qualifying Hospitals**

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to certain Medical Assistance enrolled acute care general hospitals that participate in an academic medical program. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7833 (December 22, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

*Fiscal Impact*

The FY 2018-2019 impact, as a result of these payments, is \$7.330 million (\$3.500 million in State general funds and \$3.830 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1330. (1) General Fund; (2) Implementing Year 2018-19 is \$3,500,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$24,681,000; 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-712. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF HUMAN SERVICES**

**Supplemental Payments to Qualifying Hospitals**

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 supplemental payments to qualifying acute care general hospitals (hospitals) that provide a high volume of services to Medical Assistance (MA) and low-income populations in medically underserved areas. These payments are intended to promote the hospitals' continued participation in the MA Program. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7840 (December 22, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

*Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$3.142 million (\$1.500 million in State general funds and \$1.642 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1323. (1) General Fund; (2) Implementing Year 2018-19 is \$1,500,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$10,071,000; 2016-17 Program—\$10,071,000; 2015-16 Program—\$9,571,000; (7) Physician Practice Plans; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-713. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY**

**Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Weber Construction, LLC and Keith Weber, individually EIN # 81-3396393	1502 Sassafras Street Erie, PA 16502	4/11/2019

W. GERARD OLEKSIK,  
*Secretary*

[Pa.B. Doc. No. 19-714. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY**

**Notice of Termination of Debarment**

Effective the date of publication of this notice in the *Pennsylvania Bulletin*, the debarment previously imposed on July 19, 2017, against Williams Flagger Logistics, LLC and Juan Williams is terminated. Williams Flagger Logistics, LLC and Juan Williams are no longer debarred from contracts for public work.

W. GERARD OLEKSIK,  
*Secretary*

[Pa.B. Doc. No. 19-715. Filed for public inspection May 10, 2019, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Pennsylvania \$3,000,000 Diamond Dazzler Instant Lottery Game 1402**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:



1. *Name:* The name of the game is Pennsylvania \$3,000,000 Diamond Dazzler (hereinafter “\$3,000,000 Diamond Dazzler”). The game number is PA-1402.

2. *Price:* The price of a \$3,000,000 Diamond Dazzler instant lottery game ticket is \$30.

3. *Play Symbols:* Each \$3,000,000 Diamond Dazzler instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, and a “DIAMOND BONUS” area. The “DIAMOND BONUS” area is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FRTY). The play symbols and their captions, located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FRTY), Sparkle (SPARKLE) symbol, Dazzler (WINALL) symbol, and a \$3 MILLION (\$3MIL) symbol. The play symbols and their captions, located in the “DIAMOND BONUS” area are: Gold Bar (TRY AGAIN) symbol, Bell (NO BONUS) symbol, Chest (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Lock (TRY AGAIN) symbol, Horseshoe (NO BONUS) symbol, Crown (TRY AGAIN) symbol, Coins (NO BONUS) symbol, Key (NO BONUS) symbol, Dollar Sign (DLRSN) symbol, and a Moneybag (DOUBLE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area, are: \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO), \$250,000 (TWHNFYTH), and \$3MILL (THR MIL). The prize symbols and their captions, located in the “DIAMOND BONUS” area, are: \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$30, \$40, \$50, \$100, \$150, \$300, \$500, \$1,000, \$5,000, \$25,000, \$250,000 and \$3,000,000. The prizes that can be won in the “DIAMOND BONUS” area are: \$30, \$50, \$100, \$300, \$500, and \$1,000. A player can win up to 30 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the \$3,000,000 Diamond Dazzler instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$3 MILLION (\$3MIL) symbol, and a prize symbol of \$3MILL (THR MIL) appears in the “Prize” area under that \$3 MILLION (\$3MIL) symbol, on a single ticket, shall be entitled to a prize of \$3,000,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Dazzler (WINALL) symbol and a prize symbol of \$500 (FIV HUN) appears in five of the “Prize” areas and a prize symbol of \$100 appears in twenty of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$4,500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Dazzler (WINALL) symbol and a prize symbol of \$100 appears in all twenty-five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$2,500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a Dollar Sign (DLRSN) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Dollar Sign (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a Moneybag (DOUBLE) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Moneybag (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Dazzler (WINALL) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all twenty-five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Dazzler (WINALL) symbol and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in twenty-five of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$750.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which a Dollar Sign (DLRSN) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Dollar Sign (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(r) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$300 (THR HUN) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$300.

(s) Holders of tickets upon which a Dollar Sign (DLRSN) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that Dollar Sign (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$300.

(t) Holders of tickets upon which a Moneybag (DOUBLE) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Moneybag (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$150 (ONEHUNFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(v) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$150 (ONEHUNFTY) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$150.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which a Dollar Sign (DLRSN) symbol appears in the “DIAMOND BONUS”

area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Dollar Sign (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which a Moneybag (DOUBLE) symbol appears in the “DIAMOND BONUS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Moneybag (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which a Moneybag (DOUBLE) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that Moneybag (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$60.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which a Dollar Sign (DLRSN) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Dollar Sign (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(ff) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(hh) Holders of tickets upon which a Sparkle (SPARKLE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “Prize” area under that Sparkle (SPARKLE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which a Dollar Sign (DLRSN) symbol appears in the “DIAMOND BONUS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that Dollar Sign (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$30.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

## NOTICES

2417

<i>When Any of Your Numbers Match Any Winning Number, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Diamond Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
	\$30 w/ DOLLAR SIGN	\$30	20	300,000
\$30 w/ SPARKLE		\$30	30	200,000
\$30		\$30	25	240,000
\$40 w/ SPARKLE		\$40	15	400,000
\$40		\$40	50	120,000
	\$50 w/ DOLLAR SIGN	\$50	60	100,000
\$50 w/ SPARKLE		\$50	60	100,000
\$50		\$50	37.5	160,000
\$50 × 2		\$100	300	20,000
\$50	\$50 w/ DOLLAR SIGN	\$100	300	20,000
	\$50 w/ MONEYBAG	\$100	300	20,000
	\$100 w/ DOLLAR SIGN	\$100	300	20,000
\$50 w/ SPARKLE	\$50 w/ DOLLAR SIGN	\$100	300	20,000
\$100 w/ SPARKLE		\$100	300	20,000
\$100		\$100	300	20,000
\$30 × 5		\$150	300	20,000
\$50 × 3		\$150	300	20,000
(\$30 w/ SPARKLE) × 3	\$30 w/ MONEYBAG	\$150	300	20,000
(\$50 w/ SPARKLE) + \$50	\$50 w/ DOLLAR SIGN	\$150	300	20,000
\$100 w/ SPARKLE	\$50 w/ DOLLAR SIGN	\$150	300	20,000
\$150 w/ SPARKLE		\$150	300	20,000
\$150		\$150	300	20,000
\$30 × 10		\$300	1,200	5,000
\$50 × 4	\$100 w/ DOLLAR SIGN	\$300	1,200	5,000
\$100 × 2	\$50 w/ MONEYBAG	\$300	1,200	5,000
	\$300 w/ DOLLAR SIGN	\$300	1,200	5,000
(((\$50 w/ SPARKLE) × 2) + (\$50 × 2))	\$50 w/ MONEYBAG	\$300	1,000	6,000
(\$100 w/ SPARKLE) × 2	\$100 w/ DOLLAR SIGN	\$300	1,000	6,000
\$300 w/ SPARKLE		\$300	1,000	6,000
\$300		\$300	1,200	5,000
\$50 × 10		\$500	12,000	500
\$30 × 10	\$100 w/ MONEYBAG	\$500	6,000	1,000
\$30 × 15	\$50 w/ DOLLAR SIGN	\$500	6,000	1,000



<i>When Any of Your Numbers Match Any Winning Number, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Diamond Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$40 × 5	\$300 w/ DOLLAR SIGN	\$500	6,000	1,000
\$40 × 10	\$100 w/ DOLLAR SIGN	\$500	6,000	1,000
\$50 × 2	(\$300 w/ DOLLAR SIGN) + (\$50 w/ MONEYBAG)	\$500	6,000	1,000
(\$50 × 4) + (\$30 × 5)	(\$50 w/ DOLLAR SIGN) + (\$50 w/ MONEYBAG)	\$500	6,000	1,000
\$100 × 2	\$300 w/ DOLLAR SIGN	\$500	6,000	1,000
	\$500 w/ DOLLAR SIGN	\$500	4,000	1,500
(\$100 w/ SPARKLE) × 4	\$100 w/ DOLLAR SIGN	\$500	12,000	500
\$300 w/ SPARKLE	\$100 w/ MONEYBAG	\$500	12,000	500
\$500 w/ SPARKLE		\$500	3,000	2,000
\$500		\$500	12,000	500
DAZZLER SYMBOL w/ (\$40 × 25)		\$1,000	8,000	750
DAZZLER SYMBOL w/ (\$30 × 25)	(\$50 w/ DOLLAR SIGN) + (\$100 w/ MONEYBAG)	\$1,000	8,000	750
DAZZLER SYMBOL w/ (\$30 × 25)	(\$50 w/ DOLLAR SIGN) × 5	\$1,000	8,000	750
\$100 × 10		\$1,000	24,000	250
\$50 × 10	(\$100 w/ DOLLAR SIGN) × 5	\$1,000	24,000	250
\$100 × 2	(\$500 w/ DOLLAR SIGN) + (\$300 w/ DOLLAR SIGN)	\$1,000	24,000	250
\$100 × 5	(((\$100 w/ DOLLAR SIGN) × 3) + ((\$50 w/ MONEYBAG) × 2))	\$1,000	24,000	250
\$500	\$500 w/ DOLLAR SIGN	\$1,000	24,000	250
	\$500 w/ MONEYBAG	\$1,000	12,000	500
	\$1,000 w/ DOLLAR SIGN	\$1,000	12,000	500
(((\$100 w/ SPARKLE) × 5) + (\$300))	\$100 w/ MONEYBAG	\$1,000	24,000	250
(\$300 w/ SPARKLE) × 3	\$100 w/ DOLLAR SIGN	\$1,000	24,000	250
\$1,000 w/ SPARKLE		\$1,000	12,000	500
\$1,000		\$1,000	24,000	250
DAZZLER SYMBOL w/ (\$100 × 25)	(\$500 w/ DOLLAR SIGN) + ((\$500 w/ MONEYBAG) × 2)	\$5,000	1,200,000	5
DAZZLER SYMBOL w/ ((\$500 × 5) + (\$100 × 20))	(\$100 w/ DOLLAR SIGN) × 5	\$5,000	1,200,000	5

<i>When Any of Your Numbers Match Any Winning Number, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Diamond Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$5,000 w/ SPARKLE		\$5,000	1,200,000	5
\$5,000		\$5,000	1,200,000	5
\$5,000 × 5		\$25,000	1,200,000	5
\$25,000		\$25,000	1,200,000	5
\$25,000 × 10		\$250,000	1,200,000	5
\$250,000		\$250,000	1,200,000	5
\$3,000,000 w/ \$3 MILLION SYMBOL		\$3,000,000	1,200,000	5

Reveal a “SPARKLE” (SPARKLE) symbol, win prize shown under that symbol automatically.

Reveal a “DAZZLER” (WINALL) symbol, win all 25 prizes shown.

Reveal a “\$3 MILLION” (\$3MIL) symbol, win \$3 million instantly!

DIAMOND BONUS: Reveal a “DOLLAR SIGN” (DLRSN) symbol, win prize shown under that symbol. Reveal a “MONEYBAG” (DOUBLE) symbol, win double the prize shown under that symbol. Bonus played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$3,000,000 Diamond Dazzler instant lottery tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of the \$3,000,000 Diamond Dazzler instant lottery game, prize money from winning \$3,000,000 Diamond Dazzler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$3,000,000 Diamond Dazzler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$3,000,000 Diamond Dazzler or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-716. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Big Ol’ Bens Instant Lottery Game 1403

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Big Ol’ Bens (hereinafter “Big Ol’ Bens”). The game number is PA-1403.

2. *Price:* The price of a Big Ol’ Bens instant lottery game ticket is \$10.

3. *Play Symbols:* Each Big Ol’ Bens instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE),

32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FRTY). The play symbols and their captions, located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FRTY), a BEN (BEN) symbol, a \$100 Bill (WIN\$100) symbol, and a Bank (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), and \$300,000 (THRHUNTHO). A player can win up to 16 times on a ticket.

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000, and \$300,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Big Ol’ Bens instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in eight of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas, and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN)

appears in four of the “prize” areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas, and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in four of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eight of the “prize” areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.



(p) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WINALL) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in twelve of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a \$100 Bill (WIN\$100) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that \$100 Bill (WIN\$100) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$15.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which a BEN (BEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that BEN (BEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any of Your Numbers Match Any Winning Number, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$10 w/ BEN	\$10	12	800,000
\$10	\$10	20	480,000
\$15 w/ BEN	\$15	37.5	256,000
\$15	\$15	60	160,000
\$10 × 2	\$20	120	80,000
(\$10 w/ BEN) × 2	\$20	60	160,000
\$20 w/ BEN	\$20	60	160,000
\$20	\$20	120	80,000
\$10 × 3	\$30	600	16,000
\$15 × 2	\$30	600	16,000
(\$10 w/ BEN) + (\$10 × 2)	\$30	600	16,000
(\$10 w/ BEN) × 3	\$30	600	16,000

<i>When Any of Your Numbers Match Any Winning Number, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$30 w/ BEN	\$30	300	32,000
\$30	\$30	600	16,000
\$10 × 5	\$50	600	16,000
(\$15 × 2) + \$20	\$50	600	16,000
\$50 w/ BEN	\$50	600	16,000
\$50	\$50	600	16,000
\$20 × 5	\$100	600	16,000
\$50 × 2	\$100	600	16,000
\$100 w/ \$100 BILL	\$100	60	160,000
\$100 w/ BEN	\$100	600	16,000
\$100	\$100	600	16,000
BANK w/ ((\$20 × 4) + (\$10 × 12))	\$200	600	16,000
\$100 × 2	\$200	12,000	800
(\$100 w/ \$100 BILL) + ((\$50 w/ BEN) × 2)	\$200	8,000	1,200
(\$100 w/ \$100 BILL) × 2	\$200	8,000	1,200
\$200 w/ BEN	\$200	24,000	400
\$200	\$200	24,000	400
BANK w/ ((\$30 × 10) + (\$20 × 4) + (\$10 × 2))	\$400	6,000	1,600
BANK w/ ((\$50 × 2) + (\$30 × 4) + (\$20 × 8) + (\$10 × 2))	\$400	6,000	1,600
\$100 × 4	\$400	60,000	160
(((\$100 w/ \$100 BILL) × 3) + ((\$20 w/ BEN) × 5))	\$400	8,000	1,200
\$400 w/ BEN	\$400	24,000	400
\$400	\$400	60,000	160
BANK w/ ((\$100 × 2) + (\$50 × 4) + (\$10 × 10))	\$500	24,000	400
BANK w/ ((\$30 × 2) + (\$20 × 2) + (\$10 × 10) + \$200 + \$100)	\$500	24,000	400
\$100 × 5	\$500	60,000	160
(\$100 w/ \$100 BILL) × 5	\$500	24,000	400
\$500 w/ BEN	\$500	24,000	400
\$500	\$500	60,000	160
BANK w/ ((\$200 × 2) + (\$100 × 4) + (\$20 × 10))	\$1,000	24,000	400
BANK w/ ((\$200 × 2) + (\$50 × 8) + (\$20 × 5) + \$100)	\$1,000	24,000	400
\$100 × 10	\$1,000	60,000	160
(\$100 w/ \$100 BILL) × 10	\$1,000	24,000	400
(\$100 w/ BEN) × 10	\$1,000	24,000	400
\$1,000 w/ BEN	\$1,000	24,000	400
\$1,000	\$1,000	60,000	160
\$1,000 × 10	\$10,000	960,000	10
\$10,000	\$10,000	960,000	10
\$300,000	\$300,000	960,000	10

Reveal a "BEN" (BEN) symbol, win prize shown under that symbol automatically.

Reveal a "\$100 BILL" (WIN\$100) symbol, win \$100 instantly.

Reveal a "BANK" (WINALL) symbol, win all 16 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Big Ol' Bens instant lottery tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of the Big Ol' Bens instant lottery game, prize money from winning Big Ol' Bens instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Big Ol' Bens instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Big Ol' Bens or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-717. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Fast \$25 Instant Lottery Game 1406

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fast \$25 (hereinafter "Fast \$25"). The game number is PA-1406.

2. *Price:* The price of a Fast \$25 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Fast \$25 instant lottery game ticket will contain one play area featuring a "WINNING NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), and a \$25 Burst (WIN25) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25<sup>00</sup> (TWY FIV), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), and \$2,500 (TWYFIVHUN).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$25, \$30, \$50, \$100, \$200, and \$2,500. The player can win up to 5 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Second-Chance Drawing for Fast \$25 for which non-winning Fast \$25 instant lottery game tickets may be eligible as provided in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Fast \$25 instant lottery game.

#### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2,500 (TWYFIVHUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WIN-



NING NUMBER" play symbol and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$25 Burst (WIN25) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under that \$25 Burst (WIN25) symbol, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUM-

BER" play symbol and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of FREE (TICKET) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Fast \$25 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
FREE	FREE \$1 TICKET	9.09	1,188,000
\$1 × 2	\$2	33.33	324,000
\$2	\$2	40	270,000
\$1 × 3	\$3	100	108,000
\$3	\$3	100	108,000
\$1 × 5	\$5	200	54,000
\$5	\$5	142.86	75,600
\$5 × 2	\$10	1,000	10,800
\$2 × 5	\$10	1,000	10,800
\$10	\$10	1,000	10,800
\$5 × 5	\$25	1,000	10,800
\$25 w/ \$25 BURST	\$25	125	86,400
\$25	\$25	1,000	10,800
\$10 × 3	\$30	24,000	450
(\$10 × 2) + (\$5 × 2)	\$30	24,000	450
(\$25 w/ \$25 BURST) + \$5	\$30	3,429	3,150
\$30	\$30	24,000	450
\$10 × 5	\$50	24,000	450
(\$10 × 2) + \$25 + \$5	\$50	24,000	450
(\$25 w/ \$25 BURST) × 2	\$50	12,000	900
\$50	\$50	24,000	450
\$25 × 4	\$100	120,000	90
(((\$25 w/ \$25 BURST) × 2) + \$50	\$100	120,000	90

<i>When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
(\$25 w/ \$25 BURST) × 4	\$100	120,000	90
\$100	\$100	120,000	90
\$50 × 4	\$200	1,080,000	10
\$200	\$200	1,080,000	10
\$2,500	\$2,500	1,080,000	10

Reveal a “\$25 BURST” (WIN25) symbol, win \$25 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery’s Fast Frenzy Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the “Drawing”).

(a) *Qualifying Tickets:* Non-winning PA-1405 Fast \$50 (\$2) and PA-1406 Fast \$25 (\$1) instant lottery game tickets (“Qualifying Tickets”) are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing’s promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description.*

(1) The Lottery will conduct one Fast Frenzy Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. May 12, 2019, through 11:59:59 p.m. June 13, 2019, will be entered into the Drawing to be held between June 14, 2019 and June 24, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery’s publicly accessible website.

(4) Each time a Qualifying Ticket is entered, a predetermined instant cash prize may be awarded. Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an instant cash prize is awarded.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1405 Fast \$50 (\$2) = 2 entries, and PA-1406 Fast \$25 (\$1) = 1 entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing’s promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that an instant cash prize is not awarded, the player will be awarded the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that an instant cash prize is awarded, the player will be awarded an instant cash prize as well as the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(4) The following table sets forth the approximate number of instant cash prize winners for each instant cash prize, and the approximate odds of winning an instant cash prize:

<i>Qualifying Ticket</i>	<i>Approximate Number of Instant Cash Prize Winners Based on 100% of Eligible Qualifying Tickets:</i>		
	<i>\$25 Prize</i>	<i>\$50 Prize</i>	<i>\$100 Prize</i>
Fast \$50	15,328	5,109	3,372
Fast \$25	7,750	2,583	1,705

<i>Qualifying Ticket</i>	<i>Approximate Odds of Winning an Instant Cash Prize are 1 in:</i>		
	<i>\$25 Prize</i>	<i>\$50 Prize</i>	<i>\$100 Prize</i>
Fast \$50	550	1,650	2,500
Fast \$25	1,100	3,300	5,000

(5) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$10,000, less required income tax withholding.

(ii) The second through the fifth entries selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$5,000.

(iii) The sixth through the fifteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$2,500.

(iv) The sixteenth through the thirty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(6) All prizes will be paid as lump-sum cash payments.

(7) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(8) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(9) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing Restrictions.*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC USA, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical

errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Fast \$25 instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled



only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Fast \$25, prize money from winning Fast \$25 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Fast \$25 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Fast \$25 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-718. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Fast \$50 Instant Lottery Game 1405

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Fast \$50 (hereinafter “Fast \$50”). The game number is PA-1405.

2. *Price*: The price of a Fast \$50 instant lottery game ticket is \$2.

3. *Play Symbols*: Each Fast \$50 instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Stack of Cash (WINPRZ) symbol, and a \$50 Burst (WIN50) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE

(TICKET), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), and \$10,000 (TEN THO).

5. *Prizes*: The prizes that can be won in this game are: Free \$2 Ticket, \$2, \$4, \$5, \$10, \$50, \$100, \$500, and \$10,000. The player can win up to 10 times on a ticket.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Second-Chance Drawing for Fast \$50 for which non-winning Fast \$50 instant lottery game tickets may be eligible as provided in section 10.

7. *Approximate Number of Tickets Printed For the Game*: Approximately 10,800,000 tickets will be printed for the Fast \$50 instant lottery game.

#### 8. *Determination of Prize Winners*:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Cash (WINPRZ) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Stack of Cash (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Cash (WINPRZ) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Stack of Cash (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$50 Burst (WIN50) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that \$50 Burst (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Cash (WINPRZ) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears

in the “prize” area under that Stack of Cash (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Cash (WINPRZ) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Stack of Cash (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Cash (WINPRZ) symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that Stack of Cash (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Cash (WINPRZ) symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that Stack of Cash (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Fast \$50 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
FREE	FREE \$2 TICKET	8.82	1,224,000
\$2 w/ STACK OF CASH	\$2	50	216,000
\$2	\$2	50	216,000
\$2 × 2	\$4	150	72,000
\$4 w/ STACK OF CASH	\$4	150	72,000
\$4	\$4	150	72,000
\$5 w/ STACK OF CASH	\$5	107.14	100,800
\$5	\$5	125	86,400
\$2 × 5	\$10	750	14,400
\$5 × 2	\$10	750	14,400
(\$4 × 2) + \$2	\$10	750	14,400
\$10 w/ STACK OF CASH	\$10	125	86,400
\$10	\$10	750	14,400
\$5 × 10	\$50	1,500	7,200
\$10 × 5	\$50	1,500	7,200
\$50 w/ \$50 BURST	\$50	75	144,000
\$50	\$50	1,500	7,200
\$10 × 10	\$100	120,000	90
(\$50 w/ \$50 BURST) × 2	\$100	24,000	450
\$100 w/ STACK OF CASH	\$100	120,000	90
\$100	\$100	120,000	90
\$50 × 10	\$500	1,080,000	10
(((\$50 w/ \$50 BURST) × 2) + (\$50 × 8))	\$500	1,080,000	10
(\$50 w/ \$50 BURST) × 10	\$500	1,080,000	10

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$500 w/ STACK OF CASH	\$500	1,080,000	10
\$500	\$500	1,080,000	10
\$10,000	\$10,000	1,080,000	10

Reveal a "STACK OF CASH" (WINPRZ) symbol, win prize shown under that symbol automatically.

Reveal a "\$50 BURST" (WIN50) symbol, win \$50 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's Fast Frenzy Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-1405 Fast \$50 (\$2) and PA-1406 Fast \$25 (\$1) instant lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description.*

(1) The Lottery will conduct one Fast Frenzy Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. May 12, 2019, through 11:59:59 p.m. June 13, 2019, will be entered into the Drawing to be held between June 14, 2019 and June 24, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) Each time a Qualifying Ticket is entered, a predetermined instant cash prize may be awarded. Each Qualifying Ticket will have a predetermined ticket file

assigned at the time the ticket is printed that will determine whether an instant cash prize is awarded.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1405 Fast \$50 (\$2) = 2 entries, and PA-1406 Fast \$25 (\$1) = 1 entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that an instant cash prize is not awarded, the player will be awarded the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that an instant cash prize is awarded, the player will be awarded an instant cash prize as well as the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(4) The following table sets forth the approximate number of instant cash prize winners for each instant cash prize, and the approximate odds of winning an instant cash prize:

<i>Qualifying Ticket</i>	<i>Approximate Number of Instant Cash Prize Winners Based on 100% of Eligible Qualifying Tickets:</i>		
	<i>\$25 Prize</i>	<i>\$50 Prize</i>	<i>\$100 Prize</i>
Fast \$50	15,328	5,109	3,372
Fast \$25	7,750	2,583	1,705

<i>Qualifying Ticket</i>	<i>Approximate Odds of Winning an Instant Cash Prize are 1 in:</i>		
	<i>\$25 Prize</i>	<i>\$50 Prize</i>	<i>\$100 Prize</i>
Fast \$50	550	1,650	2,500
Fast \$25	1,100	3,300	5,000

(5) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted the win-



ning entry shall be entitled to a prize of \$10,000, less required income tax withholding.

(ii) The second through the fifth entries selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$5,000.

(iii) The sixth through the fifteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$2,500.

(iv) The sixteenth through the thirty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(6) All prizes will be paid as lump-sum cash payments.

(7) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(8) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(9) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing Restrictions.*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC USA, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Fast \$50 instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Fast \$50, prize money from winning Fast \$50 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Fast \$50 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Fast \$50 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-719. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Winner Winner Chicken Dinner Instant Lottery Game 1404

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winner Winner Chicken Dinner (hereinafter “Winner Winner Chicken Dinner”). The game number is PA-1404.

2. *Price:* The price of a Winner Winner Chicken Dinner instant lottery game ticket is \$5.

3. *Play Symbols:* Each Winner Winner Chicken Dinner instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), a Chicken (CHICKEN) symbol, and a Trophy (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15<sup>.00</sup> (FIFTEEN), \$20<sup>.00</sup> (TWENTY), \$40<sup>.00</sup> (FORTY), \$50<sup>.00</sup> (FIFTY), \$60<sup>.00</sup> (SIXTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), and \$100,000 (ONEHUNTHO). A player can win up to 12 times on a ticket.

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$60, \$100, \$500, \$1,000, \$10,000, and \$100,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Winner Winner Chicken Dinner instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in eight of the “Prize” areas, a prize symbol of \$500 (FIV HUN) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in eight of the “Prize” areas, a prize symbol of \$40<sup>.00</sup> (FORTY) appears in two of the “Prize” areas, a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in eight of the “Prize” areas, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the “Prize” areas, a prize symbol of \$40<sup>.00</sup> (FORTY)

appears in five of the "Prize" areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "Prize" areas, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in four of the "Prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "Prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(q) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$60.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in all twelve of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$60.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(z) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$15.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(dd) Holders of tickets upon which a Chicken (CHICKEN) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Chicken (CHICKEN) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:



<i>When Any of Your Numbers Match Any Winning Number; Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5 w/ CHICKEN	\$5	20	540,000
\$5	\$5	13.04	828,000
\$5 × 2	\$10	200	54,000
(\$5 w/ CHICKEN) + \$5	\$10	300	36,000
(\$5 w/ CHICKEN) × 2	\$10	75	144,000
\$10 w/ CHICKEN	\$10	60	180,000
\$10	\$10	120	90,000
\$5 × 3	\$15	600	18,000
(((\$5 w/ CHICKEN) × 2) + \$5	\$15	600	18,000
\$15 w/ CHICKEN	\$15	600	18,000
\$15	\$15	600	18,000
\$5 × 4	\$20	600	18,000
\$10 × 2	\$20	600	18,000
(((\$5 w/ CHICKEN) × 2) + \$10	\$20	120	90,000
(\$5 w/ CHICKEN) × 4	\$20	300	36,000
\$20 w/ CHICKEN	\$20	300	36,000
\$20	\$20	600	18,000
\$5 × 8	\$40	600	18,000
\$10 × 4	\$40	600	18,000
(((\$5 w/ CHICKEN) × 2) + (\$20 w/ CHICKEN) + \$10	\$40	600	18,000
(((\$15 w/ CHICKEN) × 2) + (\$10 w/ CHICKEN)	\$40	600	18,000
\$40 w/ CHICKEN	\$40	600	18,000
\$40	\$40	600	18,000
\$5 × 10	\$50	600	18,000
\$10 × 5	\$50	600	18,000
(((\$20 w/ CHICKEN) × 2) + (((\$5 w/ CHICKEN) × 2)	\$50	300	36,000
(\$40 w/ CHICKEN) + \$10	\$50	600	18,000
\$50 w/ CHICKEN	\$50	600	18,000
\$50	\$50	600	18,000
TROPHY w/ (\$5 × 12)	\$60	342.86	31,500
\$20 × 3	\$60	1,200	9,000
(\$5 w/ CHICKEN) × 12	\$60	1,200	9,000
(\$40 w/ CHICKEN) + (\$5 × 4)	\$60	2,400	4,500
\$60 w/ CHICKEN	\$60	1,200	9,000
\$60	\$60	2,400	4,500
TROPHY w/ ((\$10 × 8) + (\$5 × 4))	\$100	1,200	9,000
TROPHY w/ ((\$15 × 4) + (\$5 × 8))	\$100	1,200	9,000
\$10 × 10	\$100	24,000	450
\$20 × 5	\$100	24,000	450
(((\$10 w/ CHICKEN) × 8) + (((\$5 w/ CHICKEN) × 4)	\$100	6,000	1,800
(\$50 w/ CHICKEN) × 2	\$100	6,000	1,800
\$100 w/ CHICKEN	\$100	6,000	1,800

<i>When Any of Your Numbers Match Any Winning Number; Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$100	\$100	12,000	900
TROPHY w/ (((\$50 × 2) + (\$40 × 10))	\$500	6,000	1,800
TROPHY w/ (((\$100 × 2) + (\$40 × 5) + (\$20 × 5))	\$500	6,000	1,800
\$50 × 10	\$500	60,000	180
(((\$50 w/ CHICKEN) × 2) + (((\$40 w/ CHICKEN) × 10))	\$500	24,000	450
(\$50 w/ CHICKEN) × 10	\$500	24,000	450
\$500 w/ CHICKEN	\$500	24,000	450
\$500	\$500	60,000	180
TROPHY w/ (((\$100 × 8) + (\$50 × 4))	\$1,000	1,080,000	10
TROPHY w/ (((\$50 × 8) + (\$40 × 2) + \$500 + \$20)	\$1,000	1,080,000	10
\$100 × 10	\$1,000	1,080,000	10
(((\$100 w/ CHICKEN) × 8) + (((\$50 w/ CHICKEN) × 4))	\$1,000	1,080,000	10
\$1,000 w/ CHICKEN	\$1,000	1,080,000	10
\$1,000	\$1,000	1,080,000	10
TROPHY w/ (((\$1,000 × 8) + (\$500 × 4))	\$10,000	1,080,000	10
\$10,000	\$10,000	1,080,000	10
\$100,000	\$100,000	1,080,000	10

Reveal a "CHICKEN" (CHICKEN) symbol, win prize shown under that symbol automatically.

Reveal a "TROPHY" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Winner Winner Chicken Dinner instant lottery tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of the Winner Winner Chicken Dinner instant lottery game, prize money from winning Winner Winner Chicken Dinner instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Winner Winner Chicken Dinner instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Winner Winner Chicken Dinner or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-720. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Tussey Mountain Landscaping, LLC, 8583 Woodbury Pike, Hollidaysburg, PA seeking to lease highway right-of-way located at 8583 Woodbury Pike, Hollidaysburg, PA, Freedom Township, Blair County, 18,617 square feet, adjacent to SR 36, Section 6, for purposes of landscaping display.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Thomas A. Prestash, PE, District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Questions regarding this application or the proposed use may be directed to Robert Lynn, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648, (814) 317-1674.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-721. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Tussey Mountain Mulch, LLC, 8599 Woodbury Pike, Hollidaysburg, PA seeking to lease highway right-of-way located at 8599 Woodbury Pike, Hollidaysburg, PA, Freedom Township, Blair County, 1,450 square feet, adjacent to SR 36, Section 6, for purposes of landscaping display.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Thomas A. Prestash, PE, District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Questions regarding this application or the proposed use may be directed to Robert Lynn, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648, (814) 317-1674.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-722. Filed for public inspection May 10, 2019, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Acting Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

- **SR 1042, Section 01B—Bloomfield Township, Bedford County.**

*Project Description:* The proposed project is the replacement of the Halter Creek Bridge carrying Sproul Mountain Road (SR 1042) over Halter Creek. The new structure will be placed on existing alignment and will include minor roadway approach work.

*Environmental Documents:* CE 2 Evaluation approved on February 12, 2019, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on January 7, 2019, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on January 7, 2019.

*Proposed Use of Section 4(f)/2002 Resource:* The project requires approximately 0.25-acre of right-of-way (ROW) from the Rural Historic District. The Halter Creek Bridge is a contributing resource to the Rural Historic District.

- **SR 0000, Section L00—Rockland Township, Venango County.**

*Project Description:* The proposed project involves the replacement of the Dotter Road Bridge, which carries T-522 over Mill Creek.

*Environmental Documents:* CE 2 Evaluation approved on February 12, 2019, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on January 9, 2019.

*Proposed Use of Section 4(f)/2002 Resources:* The Dotter Road Bridge was determined to be eligible for listing on the National Register of Historic Places (NRHP).

- **SR 2024, Section 01B—East Stroudsburg Borough, Monroe County.**

*Project Description:* The proposed project is the replacement of the Bridge Street/Ridgeway Street (SR 2024) Bridge over the Delaware-Lackawanna Railroad. The new structure will include improved sidewalk crossings. Work will also involve minor roadway approach work and guide rail updates.

*Environmental Documents:* CE 2 Evaluation approved on February 1, 2019, and a Nationwide/Programmatic



Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on December 26, 2018.

*Proposed Use of Section 4(f)/2002 Resources:* The Bridge Street/Ridgeway Street (SR 2024) Bridge was determined to be eligible for listing on the NRHP. The structure is also considered a contributing resource to the Delaware, Lackawanna and Western Railroad Line Historic District, which was determined to be eligible for listing on the NRHP.

• **SR 3004, Section 01B—Hellertown Borough, Northampton County.**

*Project Description:* The proposed project is the replacement of the existing bridge, which carries Friedensville Road/West Water Street (SR 3004) over Saucon Creek.

*Environmental Documents:* CE 2 Reevaluation approved on January 24, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 27, 2018.

*Proposed Use of Section 4(f)/2002 Resources:* The project will require approximately 0.107-acre of ROW from the Michael and Margaret Heller House and Heller Homestead Park, which is listed on the NRHP.

• **SR 0913, Section 01B—Robertsdale Borough and Wood Township, Huntingdon County.**

*Project Description:* The proposed project is the replacement of the Great Trough Creek Bridge No. 2 which carries Main Street (SR 0913) over Great Trough Creek. Work will also include updating guide rail, drainage improvements and minor roadway approach work.

*Environmental Documents:* CE 1b Evaluation approved on January 17, 2019, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on January 9, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on January 9, 2019.

*Proposed Use of Section 4(f)/2002 Resources:* The Robertsdale Historic District was determined to be eligible for listing on the NRHP. Approximately 0.11-acre of ROW will be required from the Robertsdale Historic District. The Robertsdale Veteran Honor Roll is on a parcel owned by Wood Township and qualifies as a Section 4(f)/2002 resource. Approximately 0.05-acre will be required from the 1.01-acre resource.

• **SR 7207, Section BRG—Germany Township, Adams County.**

*Project Description:* The proposed project is the replacement of the Mengus Mill Road (T-438) bridge, over Piney Creek. The new structure will be placed on the same alignment.

*Environmental Documents:* CE BRPA Evaluation approved on February 25, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on January 25, 2019.

*Proposed Use of Section 4(f)/2002 Resources:* The Jonathan Forrest Farm was determined to be eligible for listing on the NRHP. Approximately 0.07-acre of ROW will be required from the resource.

• **SR 0000, Section L00—Sharpsville Borough, Mercer County.**

*Project Description:* The proposed project is the replacement of two adjacent structures that carry Kelly Road

(T-388) over the Shenango River. One structure is an 1897 single-span truss and the other is a 1966 two-span stringer structure.

*Environmental Documents:* CE 2 Evaluation approved on February 25, 2019, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on January 24, 2019, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on January 24, 2019.

*Proposed Use of Section 4(f)/2002 Resource:* Approximately 0.05-acre of ROW will be required from the 2.56-acre Sharpsville Area Recreational Park property, and approximately 6-square feet of ROW from the 1.52-acre Erie Canal Riverwalk. Both properties qualify as Section 4(f)/2002 resources. The 1897 single-span steel truss structure is listed on the NRHP.

• **SR 0030, Section A30—Forest Hills Borough, Allegheny County.**

*Project Description:* The proposed project is the replacement of the bridge carrying Ardmore Boulevard (SR 0030) over Falls Run. Work will also include minor approach roadway work, drainage and guide rail updates.

*Environmental Documents:* ED 1b Evaluation approved on February 25, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on October 29, 2018.

*Proposed Use of Section 4(f)/2002 Resource:* Approximately 0.110-acre of ROW and 0.016-acre of permanent slope easement will be required from the 2.35-acre Cascade Glen Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 2040, Section A22—Pleasant Hills Borough, Allegheny County.**

*Project Description:* The proposed project is the mill and overlay of Lebanon Church Road (SR 2040). Work will include guide rail updates, signalization improvements, Americans with Disabilities Act and drainage improvements.

*Environmental Documents:* CE 1b Evaluation approved on February 25, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on February 5, 2019.

*Proposed Use of Section 4(f)/2002 Resource:* The Allegheny County Airport was determined to be eligible for listing on the NRHP. Approximately 0.06-acre of ROW will be required from the resource.

• **SR 4032, Section B00—Lawrence Park Township, Erie County.**

*Project Description:* The proposed project includes milling off the bituminous roadway on the existing SR 4032 bridge to the existing concrete arch. A new concrete deck will be constructed on the existing structure. Guide rail updates and concrete substructure repair work will also be performed.

*Environmental Documents:* CE BRPA Evaluation approved on March 7, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 6, 2019.

*Proposed Use of Section 4(f)/2002 Resource:* Approximately 0.015-acre of ROW will be required from the 9.59-acre Napier Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 4028, Section 02B—Hamburg Borough, Berks County.**

*Project Description:* The project involves the replacement of the State Street (SR 4028) bridge over Mill Creek. Work also includes approach roadway work, curb and sidewalk updates, and drainage and safety improvements.

*Environmental Documents:* CE 1b Evaluation approved on March 25, 2019, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on February 27, 2019.

*Proposed Use of Section 4(f)/2002 Resource:* The Hamburg Historic District is listed on the NRHP. Approximately 0.061-acre of ROW will be required from the resource.

• **SR 0075, Section A03—Port Royal Borough, Juniata County.**

*Project Description:* The proposed project is the replacement of the bridge carrying Market Street (SR 0075) over the Norfolk Southern Railroad Line.

*Environmental Documents:* CE 2 Evaluation approved on March 20, 2019, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on February 26, 2019, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on February 26, 2019.

*Proposed Use of Section 4(f)/2002 Resources:* The Pennsylvania Railroad Mainline Historic District was determined to be eligible for listing on the NRHP. Approximately 0.12-acre of ROW and 0.15-acre of aerial easement will be required from the resource. The existing concrete arch bridge over the Norfolk Southern Railroad Line was determined to be eligible for listing on the NRHP.

• **SR 0006, Section B18—Borough of Cambridge Springs, Crawford County.**

*Project Description:* The proposed project is the replacement of the structure carrying SR 0006 over French Creek. Work will include approach roadway work and utility relocations.

*Environmental Documents:* CE 2 Evaluation approved on March 14, 2019, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on January 25, 2019.

*Proposed Use of Section 4(f)/2002 Resources:* The Cambridge Springs Truss was determined to be eligible for listing on the NRHP.

MELISSA J. BATULA, PE,  
Acting Director  
Bureau of Project Delivery

[Pa.B. Doc. No. 19-723. Filed for public inspection May 10, 2019, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Reaxis, Inc. v. Department of Environmental Protection; EHB Doc. No. 2019-032-R

Reaxis, Inc. has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0203661 to Reaxis, Inc. for their facility located in Robinson Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
Chairperson

[Pa.B. Doc. No. 19-724. Filed for public inspection May 10, 2019, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The May 22, 2019, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, June 18, 2019, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727. The agenda and meeting materials for all Board meetings will be available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
Chairperson

[Pa.B. Doc. No. 19-725. Filed for public inspection May 10, 2019, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions and Revisions; July 2019

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 15 and 16, 2019, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Adams	Hayes Run	Headwaters to Mouth	East Branch Antietam Creek	39.815808 77.458243
Adams	Knob Run	Headwaters to Mouth	Birch Run	39.950970 77.444183
Adams	Long Pine Run	Headwaters to Long Pine Run Reservoir	Conococheague Creek	39.927223 77.439163
Adams	McDowells Run	Headwaters to Mouth	Carbaugh Run	39.876610 77.448990
Armstrong	UNT to Huling Run (RM 2.86)	Headwaters to Mouth	Huling Run	40.952036 79.574893
Cameron	Crooked Run	Headwaters to Mouth	Cowley Run	41.594102 78.189922
Cameron	UNT to Clear Creek (RM 2.75)	Headwaters to Mouth	Clear Creek	41.514184 78.325907
Cameron	UNT to Lick Island Run (RM 2.74)	Headwaters to Mouth	Lick Island Run	41.393091 78.084941
Cameron	White Oak Run	Headwaters to SR 872 Bridge	First Fork Sinnemahoning Creek	41.342407 78.067757
Centre	UNT to Nittany Creek (RM 2.36)	Headwaters to Mouth	Nittany Creek	40.945660 77.733030
Centre	UNT to Nittany Creek (RM 2.95)	Headwaters to Mouth	Nittany Creek	40.944418 77.722511
Clearfield	Surveyor Run	Headwaters to Mouth	West Branch Susquehanna River	41.073604 78.327717
Crawford	UNT to Stranahan Run (RM 1.01)	Headwaters to Mouth	Stranahan Run	41.847736 79.702892
Cumberland	UNT to Hunters Run (RM 0.77)	Headwaters to Mouth	Hunters Run	40.075159 77.186075
Elk	Charlies Run	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.344698 78.271718
Elk	UNT to Little Bear Run (RM 0.67)	Headwaters to Mouth	Little Bear Run	41.476480 78.509090
Elk	UNT to North Fork West Creek (RM 2.76)	Headwaters to Mouth	North Fork West Creek	41.523939 78.479755
Franklin	Deer Lick Run	Headwaters to Mouth	East Branch Antietam Creek	39.772491 77.503923
Franklin	Rattlesnake Run	Headwaters to Mouth	East Branch Antietam Creek	39.795024 77.479158
Franklin	Trucker Run	Headwaters to Mouth	East Branch Antietam Creek	39.792238 77.485547
Franklin	UNT to Hosack Run (RM 0.64)	Headwaters to Mouth	Hosack Run	39.921986 77.473589
Franklin	UNT to Raccoon Creek (RM 0.71)	Headwaters to Mouth	Raccoon Creek	39.877365 77.483197



<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Franklin	UNT to West Branch Antietam Creek (RM 13.81)	Headwaters to Mouth	West Branch Antietam Creek	39.836304 77.529932
Huntingdon	Crooked Creek	Headwaters to UNT at RM 5.10	Juniata River	40.483533 78.015299
Huntingdon	Emma Creek	Headwaters to Huntsman Hollow Road	Robinson Run	40.536915 78.088975
Jefferson	Fivemile Run	Headwaters to Pipeline crossing at RM 0.84	Mill Creek	41.161082 79.001140
Jefferson	Fuller Run	Headwaters to Mouth	Sandy Lick Creek	41.097748 78.989407
Jefferson	Turnip Run	Headwaters to Mouth	Big Run	41.020969 78.904766
Jefferson	UNT to Fivemile Run (RM 3.39)	Headwaters to Mouth	Fivemile Run	41.111905 79.089669
Jefferson	UNT to Little Sandy Creek (RM 14.85)	Headwaters to Mouth	Little Sandy Creek	41.036297 79.028806
Jefferson	UNT to Little Sandy Creek (RM 17.58)	Headwaters to Mouth	Little Sandy Creek	41.047224 78.985288
Jefferson	UNT to Sandy Lick Creek (RM 8.87)	Headwaters to Mouth	Sandy Lick Creek	41.113336 78.998331
Jefferson	UNT to Sandy Lick Creek (RM 9.72)	Headwaters to Mouth	Sandy Lick Creek	41.102972 78.996489
Jefferson	UNT to Sandy Lick Creek (RM 12.67)	Headwaters to Mouth	Sandy Lick Creek	41.093630 78.960197
Juniata	UNT to Clearview Reservoir	Headwaters to Mouth	Clearview Reservoir	40.552784 77.513973
Juniata	UNT to East Licking Creek (RM 10.66)	Headwaters to Mouth	East Licking Creek	40.546050 77.527585
Juniata	UNT to East Licking Creek (RM 11.48)	Headwaters to Mouth	East Licking Creek	40.541197 77.540300
Juniata	UNT to East Licking Creek (RM 11.55)	Headwaters to Mouth	East Licking Creek	40.541164 77.541780
Juniata	UNT to East Licking Creek (RM 12.92)	Headwaters to Mouth	East Licking Creek	40.531822 77.562026
Juniata	UNT to East Licking Creek (RM 13.22)	Headwaters to Mouth	East Licking Creek	40.530668 77.567285
Monroe	UNT (RM 0.04) to UNT to Buckwa Creek (RM 9.87)	Headwaters to Mouth	UNT to Buckwa Creek (RM 9.87)	40.869517 75.380370
Monroe	UNT to Marshalls Creek (RM 8.53)	Headwaters to Mouth	Marshalls Creek	41.089195 75.143089
Monroe	UNT to McMichael Creek (RM 14.33)	Headwaters to Mouth	McMichael Creek	40.932971 75.377206
Monroe	UNT to Middle Creek (RM 3.85)	Headwaters to Mouth	Middle Creek	40.937920 75.491470
Monroe	UNT to Paradise Creek (RM 7.50)	Headwaters to Mouth	Paradise Creek	41.126952 75.301184
Monroe	UNT to Princess Run (RM 5.01)	Headwaters to Mouth	Princess Run	40.888050 75.397350
Potter	Cooney Hollow Run	Headwaters to Mouth	Freeman Run	41.610015 78.069801
Potter	Gas Well Hollow Run	Headwaters to Mouth	West Branch Freeman Run	41.653923 78.124977
Potter	Jacob Run	Headwaters to Mouth	Freeman Run	41.668697 78.088791

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Potter	Little Nelson Run	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.548764 78.029227
Potter	Mackey Hollow Run	Headwaters to Mouth	East Branch Cowley Run	41.611320 78.134610
Potter	Pine Run	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.648376 77.967361
Potter	Right Branch Big Nelson Run	Headwaters to Mouth	Big Nelson Run	41.573208 78.016739
Potter	UNT to Cushing Hollow Run (RM 0.78)	Headwaters to Mouth	Cushing Hollow Run	41.828428 77.717886
Potter	UNT to Pine Creek (RM 83.96)	Headwaters to Mouth	Pine Creek	41.827068 77.796143
Potter	UNT to South Woods Branch (RM 7.93)	Headwaters to Mouth	South Woods Branch	41.714613 78.019224
Somerset	UNT to Wills Creek (RM 17.79)	Headwaters to Mouth	Wills Creek	39.822862 78.830414
Sullivan	UNT to Little Loyalsock Creek (RM 1.50)	Headwaters to SR 87 Bridge	Little Loyalsock Creek	41.499652 76.596180
Union	UNT to Laurel Run (RM 0.82)	Headwaters to Mouth	Laurel Run	40.877406 77.196469
Union	UNT to Whitethorn Run (RM 1.41)	Headwaters to Mouth	Whitethorn Run	40.870033 77.219849
Union	Whitethorn Run	Headwaters to Mouth	Penns Creek	40.864748 77.202185
Venango	UNT to Lake Creek (RM 3.21)	Headwaters to Mouth	Lake Creek	41.534071 79.886406
Wayne	UNT to Middle Creek (RM 1.18)	Headwaters to Mouth	Middle Creek	41.480307 75.201182
Wayne	UNT to Middle Creek (RM 13.84)	Headwaters to Mouth	Middle Creek	41.505583 75.362279
Wayne	UNT to Sherman Creek (RM 0.14)	Headwaters to Mouth	Sherman Creek	41.998096 75.399385
Wayne	UNT to Sherman Creek (RM 1.69)	Headwaters to Farm Hill Road Bridge	Sherman Creek	41.990419 75.422675
York	Cabin Creek	Headwaters to Willow Creek Road Bridge (T-760)	Susquehanna River	39.970033 76.492011

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	Mill Creek	500 miles upstream from Stump Road Bridge (T-799) to first Gun Club Road Bridge (T-775)	Headwaters to Mouth	Saony Creek	40.536944 75.800833

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 19-726. Filed for public inspection May 10, 2019, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; July 2019

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on July 15 and 16, 2019.



<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Centre	Rag Valley Run	1	Headwaters to Mouth	Little Fishing Creek	40.921479 77.638702	31.65	—	—	0.73	2018
Centre	UNT to Nittany Creek (RM 2.95)	1	Headwaters to Mouth	Nittany Creek	40.944418 77.722511	—	100.85	—	2.45	2018
Somerset	South Fork Bens Creek	4	30 miles downstream private bridge off T-590 to T-785 bridge	Bens Creek	40.272500 78.978611	—	44.03	—	3.51	2016

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 19-727. Filed for public inspection May 10, 2019, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-5213	State Board of Optometry General Revisions 49 Pa.B. 922 (March 2, 2019)	4/1/19	5/1/19

#### State Board of Optometry Regulation # 16A-5213 (IRRC # 3223)

#### General Revisions

May 1, 2019

We submit for your consideration the following comments on the proposed rulemaking published in the March 2, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Optometry (Board) to respond to all comments received from us or any other source.

#### 1. Section 23.82. Continuing education hour requirements; continuing education reporting; audit and enforcement.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Implementation procedures.

The proposed amendment to Subsection (b) and the new language of Subsections (c)—(f) address reporting, audits and making up deficiencies of continuing education requirements. Subsection (b) will require licensees to certify completion of the required continuing education on the biennial renewal application. False certifications will be grounds for discipline under the Optometric Practice and Licensure Act (Act), 63 P.S. §§ 244.1—244.12. Subsection (c) states that the Board will randomly audit licensees to ensure compliance with continuing education requirements. Subsection (d) provides that a licensee found to be deficient as a result of a continuing education audit will be subject to formal disciplinary action under the Act or will be subject to the issuance of a citation. Subsection (e) requires a licensee found to be deficient in continuing education hours to make up the hours within six months from the issuance of a citation or the imposition of formal discipline. Finally, Subsection (f) states that failure to make up all deficiencies set forth in Subsection

(e) will subject the licensee to further discipline. In the Preamble, the Board explains that the amendments will “. . . provide notice to licensees of the audit requirements and of the affirmative requirement, notwithstanding any disciplinary action that might be taken by the Board, to make up all deficiencies that are identified through the audit process.”

Section 5 of the Act, 63 P.S. § 244.5, relates to the renewal of a license of optometry. Section 5(b) states, in part, the following:

Beginning with the year 1998, a license shall not be renewed by the board unless the optometrist applying for renewal submits proof to the board that during the two calendar years immediately preceding his application he has satisfactorily completed a minimum of 30 hours of continuing professional optometric education approved by the board . . .

Based on the statutory provision cited above, we have several questions and concerns related to the Board's statutory authority and how it will implement the new continuing education requirements for optometrists. First, we are concerned that the regulatory language being added to this section is not consistent with the Board's statutory authority or with the intent of the General Assembly. Specifically, Section 5(b) of the Act does not allow the Board to renew a license when a licensee has not completed the required amount of continuing education. We acknowledge that discipline or citations may be imposed by the Board, but the regulatory language does not reflect the statutory mandate of nonrenewal of license. If the Board becomes aware of a continuing education deficiency, will it automatically suspend the license of the optometrist? Is there a provision in the Act that would allow the Board to renew a license or not suspend a license when it becomes aware that continuing education requirements have not been met? In the Preamble to the final-form regulation, we ask the Board to explain how the new language of this section of the

rulemaking is consistent Section 5(b) of the Act and with the intent of the General Assembly.

In addition, we have two concerns related to implementation procedures. First, if a biennial renewal application submitted by a licensee indicates that continuing education requirements have not been completed, what are the consequences? Specifically, will the license be renewed? Second, if the Board becomes aware of a continuing education deficiency as the result of an audit, will the Board automatically suspend the license of the optometrist and subject the licensee to discipline or a citation? We ask the Board to clarify how it will implement the new continuing education requirements.

**2. Section 23.86. Sources of continuing education hours.—Clarity; Feasibility; Implementation procedures; Need.**

Subsections (b) and (d) address the application processes for approval as continuing education providers and individual courses offered by non-approved providers, respectively. These subsections do not reference the course requirements in § 23.83 (relating to continuing education subject matter). Subsections (a) and (e) require continuing education to meet the course requirements in § 23.83. Are providers who apply under Subsections (b) and (d) also obligated to meet the requirements in § 23.83? If so, we suggest that the Board add cross-references to § 23.83 in Subsections (b) and (d) for clarity.

Subsection (e) allows a licensed optometrist to seek retroactive approval for attending an unapproved program. This subsection does not include the rate of awarded continuing education hours per minutes of a program, which is specifically stated in Subsections (f) and (g) as “1 continuing education hour for every 50 minutes.” To improve clarity, we ask the Board to add this rate in the final-form regulation.

Subsection (h) credits continuing education hours to a licensed optometrist for service as an instructor or author. We have three concerns. First, under the existing regulation, an optometrist should apply for approval “prior to the service to assure that approval will be given by the Board to the program.” This pre-approval provision is proposed to be deleted. What is the rationale for deleting this provision? Second, under the new language, a licensee will be required to provide documentation at the Board’s request, “[o]therwise, the licensee will be required to secure retroactive approval as set forth in subsection (e).” Under Subsection (e), an optometrist is required to apply for retroactive approval “within 60 days of attending the program.” Does this timeframe apply to Subsection (h) and, if so, when would the Board request documentation of instructor or author service? Third, is it feasible for an optometrist seeking credit under this subsection to meet the cross-referenced timeframe? How will the Board implement the proposed procedure for approval of credit hours for this type of service? We ask the Board to respond to these questions in the Preamble to the final-form regulation and clarify this subsection in the final-form regulation.

Existing Subsection (f) prescribes the allocation of continuing education hours among the course and program options in subsections (a)—(e). The Board proposes to delete existing subsection (f) and add varying allocation requirements in subsections (e)—(i). Although the percentages appear to maintain the existing standard, the statements in subsections (e)—(i) are unclear. We ask the Board to explain how the existing and proposed allocations differ and the need for the restructuring of the

percentages. A clear statement regarding the allotment of hours for proposed subsections (a) and (b) is not included in the proposed language. We ask the Board to explain in the Preamble to the final-form regulation why it proposed to delete the existing language. Further, we ask the Board to provide the allocation percentage for subsections (a) and (b) in the final-form regulation.

**3. Section 23.87. Reporting of continuing education credit hours.—Implementation procedures.**

Subsection (b) provides for an optional service so that an optometrist may “have the continuing education course entered into an electronic database for compliance purposes.” (Emphasis added.) The Board explains in the Preamble that these databases allow “licensing boards to review and audit the continuing education credits earned by their licensees electronically.” Does the Board currently have access to these databases and use the information contained therein for compliance purposes? We ask the Board to explain in the Preamble to the final-form regulation how this provision will be implemented.

In addition, we believe the use of a database to track continuing education credits would alleviate some of the concerns raised in our first comment. Has the Board considered the mandatory use of such a system for licensees?

**4. Section 23.90. Standards for commercial support.—Clarity and lack of ambiguity; Implementation procedures.**

This section addresses conflicts of interest and benefits optometrists may receive from continuing education providers. Under Subsection (a), “all continuing education must be free from the control of a commercial interest.” How will the Board determine that this standard is met in continuing education programs and courses? We ask the Board to explain its implementation procedure in the Preamble to the final-form regulation.

Subsection (c) allows continuing education providers to offer optometrists “food and refreshment of modest value according to local standards for attending” a program. (Emphasis added.) This is non-regulatory language that does not set a binding norm. A regulation has the full force and effect of law, and these terms do not establish a standard that could be predicted by the regulated community. The Department should revise this subsection in the final-form regulation to address the ambiguity of these terms and provide clarity for compliance.

GEORGE D. BEDWICK,  
Chairperson

[Pa.B. Doc. No. 19-728. Filed for public inspection May 10, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Marc J. Grossman; Doc. No. SC19-04-021

Notice is hereby given of the Order to Show Cause issued on April 25, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 5(a) and 6(a)(10), (13) and (20) of the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. §§ 1605(a) and 1606(a)(10), (13) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If



respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-729. Filed for public inspection May 10, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Michael P. Lysaght; Doc. No. SC19-04-013

Notice is hereby given of the Order to Show Cause issued on April 25, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(7), (9), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(7), (9), (17) and (20)) and section 5(a)(12) of the Unfair Insurance Practices Act (40 P.S. § 1171.5(a)(12)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-730. Filed for public inspection May 10, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Catholic Order of Foresters (SERFF # UHAS-131777391); Rate Increase Filing for Several Individual LTC Forms

Catholic Order of Foresters is requesting approval to increase the premium 40% on 10 policyholders of forms FCNH, FCLTC and FCLTC 2000.

Unless formal administrative action is taken prior to July 25, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-731. Filed for public inspection May 10, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Health Maintenance Organization Certificate of Authority Application Filed by Oscar Health Plan of Pennsylvania, Inc.

On February 19, 2019, Oscar Health Plan of Pennsylvania, Inc. filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the Health Maintenance Organization Act (40 P.S. §§ 1551—1567), Department of Health HMO regulations (28 Pa. Code §§ 9.631—9.654) and the Insurance Department HMO regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service areas of the applicant are Philadelphia and Delaware Counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health  
Bureau of Managed Care  
Room 912, Health and Welfare Building  
Harrisburg, PA 17109-0900  
(717) 787-5193

Insurance Department  
Company Licensing Division  
1345 Strawberry Square  
Harrisburg, PA 17120  
(717) 787-2735

Interested parties are invited to submit written comments to William Wiegmann, Department of Health or Karen Feather, Insurance Department at the previously listed addresses. Persons who wish to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as audio tape, Braille or using the Department of Health TDD, (717) 783-6514. Persons with a disability requesting alternative forms may contact William Wiegmann to make the necessary arrangements.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 19-732. Filed for public inspection May 10, 2019, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Abandon Rate Gas Beyond the Mains Service**

**A-2019-3009452. UGI Utilities, Inc.—Gas Division.** Application of UGI Utilities, Inc.—Gas Division for approval to abandon rate gas beyond the mains service to customers located in the Arrowhead Business and Industrial Park in Kutztown, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 28, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission’s web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant’s business address.

*Applicant:* UGI Utilities, Inc.—Gas Division

*Through and By Counsel:* Mark C. Morrow, Chief Regulatory Counsel, Danielle Jouenne, Counsel, UGI Corporation, 460 North Gulf Road, King of Prussia, PA 19406

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-733. Filed for public inspection May 10, 2019, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount**

Public Meeting held  
April 25, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount; M-2019-3006865*

**Tentative Order**

*By the Commission:*

The Commission’s regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS’s current security expiration date. Each financial instrument must be an original document that displays a “wet” signature or digital signature, preferable in blue ink, and displays a “raised seal” or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS’s license issued by the Commission.

Failure to file before the financial security’s expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company’s electric supplier license, removal of each company’s information from the Commission’s website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of April 16, 2019, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond.

*Supplier Table—List of Electric Generation Suppliers*

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount</i>
A-2016-2557226*	AGGRESSIVE ENERGY, LLC	4/1/2020	No
A-2016-2542085*	ATLANTIC ENERGY MD, LLC	4/14/2020	No
A-2010-2186267	BRADLEY R. LEWIS	3/22/2019	Yes
A-2010-2187969	TEXZON UTILITIES, LTD	4/12/2019	Yes

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount</i>
A-2011-2250633*	TOMORROW ENERGY CORPORATION	4/2/2020	No
A-2017-2633973	TOTAL MARKETING CONCEPTS, INC.	3/30/2019	Yes

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount directed by the Commission, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, the Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-734. Filed for public inspection May 10, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Implementation of Act 58 of 2018 Alternative Rule-making for Utilities

Public Meeting held  
April 25, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

*Implementation of Act 58 of 2018 Alternative Ratemaking for Utilities; M-2018-3003269*

#### Implementation Order

*By the Commission:*

On June 28, 2018, Governor Wolf signed into law Act 58 of 2018, which amends Chapter 13 of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. §§ 1301 et seq. (relating to rates and distribution systems). Specifically, Act 58 adds Section 1330, 66 Pa.C.S. § 1330 (relating to alternative ratemaking for utilities), that permits the Pennsylvania Public Utility Commission (Commission) to approve an application by a utility to establish alternative rates and rate mechanisms. With this Implementation Order, the Commission establishes the procedures through which utilities may seek Commission approval of alternative rates and rate mechanisms.

#### *Background*

On August 23, 2018, the Commission issued a Tentative Implementation Order at this Docket seeking comment on proposals to implement Section 1330 of the Code. The Tentative Implementation Order was published in the *Pennsylvania Bulletin* on September 8, 2018. See 48 Pa.B. 5691.

Interested parties had 30 days from the publication of the Tentative Implementation Order in the *Pennsylvania Bulletin* to file comments. The following parties filed comments: Advanced Energy Economy Institute (AEEI); State Senator Lisa M. Boscola and State Senator John T. Yudichak; Columbia Gas of Pennsylvania, Inc. (Columbia); Duquesne Light Company (Duquesne); Citizens for Pennsylvania's Future, Clean Air Council, Keystone Energy Efficiency Alliance, Natural Resources Defense Council, PA Solar Energy Industries Association, Philadelphia Solar Energy Association, and Sierra Club (collectively, E-Advocates); Energy Association of Pennsylvania (EAP); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, FirstEnergy); Industrial Energy Consumers of Pennsylvania (IEC); Pennsylvania Energy Consumers Alliance, Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Philadelphia Area Industrial Energy Users Group, PP&L Industrial Customer Alliance, and West Penn Power



Industrial Intervenors (collectively, Industrials); International Brotherhood of Electrical Workers (IBEW); Laborers' District Council of Eastern Pennsylvania (LDC); Office of Consumer Advocate (OCA); Office of Small Business Advocate (OSBA); Pennsylvania-American Water Company (PAWC); PECO Energy Company (PECO); PPL Electric Utilities Corporation (PPL); and UGI Utilities, Inc. (UGI).

Interested parties had 70 days from the publication of the Tentative Implementation Order in the *Pennsylvania Bulletin* to file reply comments. The following parties filed reply Comments: AEEI; Duquesne; E-Advocates; EAP; FirstEnergy; IEC; Industrials; OCA; OSBA; PAWC; PECO; and PPL.

We note that on May 23, 2018, the Commission entered a Proposed Policy Statement Order at Docket No. M-2015-2518883 intended to provide guidelines each utility and stakeholder should consider in a Section 1308 rate proceeding to help determine if alternative ratemaking methodologies should be employed, the type of alternative ratemaking to be employed and to what extent it is to be employed.<sup>1</sup> The proposed policy statement was published in the *Pennsylvania Bulletin* on June 23, 2018 at 48 Pa.B. 3739. Comments were initially due within 60 days from the date of publication in the *Pennsylvania Bulletin*, with reply comments due within 90 days of publication. On August 14, 2018, the Commission issued a Secretarial Letter extending the comment period to October 22, 2018 and the reply comment period to November 20, 2018. Various stakeholders have filed comments and reply comments to the proposed policy statement.

The Commission recognizes that the proceeding at Docket No. M-2015-2518883 began prior to the passage of Act 58 and that both address policy considerations related to alternative ratemaking methodologies available to utilities. The Commission notes, however, that Act 58 and the proposed policy statement, while addressing utility alternative ratemaking, each have a different function in the process of establishing such rates for utilities. As will be discussed more fully below, Act 58 gave the Commission express statutory authority to approve alternative rate mechanisms for electric, natural gas, and water or wastewater utilities and what notices of such ratemaking requests are to be given to customers. While establishing the Commission's express statutory authority to approve alternative rate methodologies, Act 58 did not expressly determine which alternative rate methodology, if any, are to be used by which utility.

On the other hand, the proposed policy statement is intended only to give guidance to fixed utilities and interested stakeholders on what is to be considered when investigating alternative ratemaking methodologies in a Section 1308 rate proceeding. While intending to assist utilities and stakeholders, the policy statement does not establish a binding norm, nor does it establish a predicate for the adoption of an alternative rate mechanism by any fixed utility. The Commission is continuing to review the comments submitted under Docket No. M-2015-2518883, as well as the comments submitted under the above-referenced Docket relating to the proposed policy statement and will consider how to proceed, taking into consideration what, if any, impact Act 58 has on the policy statement and how that policy statement will interact with Act 58.

<sup>1</sup> See Fixed Utility Distribution Rates Policy Statement, Proposed Policy Statement Order at Docket No. M-2015-2518883, entered May 23, 2018.

## Discussion

### A. Section 1330(a)—Declaration of Policy

This section sets forth the policy of the General Assembly as follows:

(a) Declaration of policy—The General Assembly finds and declares as follows:

(1) Innovations in utility operations and information technologies are creating new opportunities for all customers, and it is in the public interest for the commission to approve just and reasonable rates and rate mechanisms to facilitate customer access to these new opportunities while ensuring that utility infrastructure costs are reasonably allocated to and recovered from customers and market participants consistent with the use of the infrastructure.

(2) It is the policy of the Commonwealth that utility ratemaking should encourage and sustain investment through appropriate cost-recovery mechanisms to enhance the safety, security, reliability or availability of utility infrastructure and be consistent with the efficient consumption of utility service.

Section 1330(a) of the Code, 66 Pa.C.S. § 1330(a).

In the Tentative Order, the Commission noted that we had previously recognized and proposed similar policy goals in the Fixed Utility Distribution Rates Policy Statement proceeding at Docket No. M-2015-2518883.<sup>2</sup> While not requiring specific action by the Commission, the Commission will consider the policy goals contained in Section 1330(a) of the Code, as well as other applicable policy goals established by statute, regulation or case law, when reviewing requests to change base rates for natural gas distribution companies (NGDCs), electric distribution companies (EDCs), water or wastewater utilities or city natural gas distribution operations.

#### 1. Comments

Commenters addressing the implementation of the declaration of policy stated that the policy goals in the Fixed Utility Distribution Rates Policy Statement proceeding at Docket No. M-2015-2518883 should be reconciled with the declaration of policy articulated in Act 58, while other commenters assert that the policy goals in each proceeding are consistent.<sup>3</sup> Commenters also agreed with the Commission's position to consider all policy goals provided for in law and regulation.<sup>4</sup> While agreeing with the Commission's position to consider all policy goals, some commenters requested that the Commission should be more explicit in articulating the policy goals.<sup>5</sup> Yet other Commenters suggest the Commission should consider policies that promote strong labor protections, quality job creation and workplace safety.<sup>6</sup> Finally, Commenters suggested that the Commission should promote performance based rates to improve safety, reliability, service and quality.<sup>7</sup>

#### 2. Disposition

As stated in the TIO, the Commission will consider the policy goals contained in Section 1330(a) of the Code, as well as other applicable policy goals established by statute, regulation or case law, when reviewing requests to

<sup>2</sup> See Fixed Utility Distribution Rates Policy Statement, Proposed Policy Statement Order at Docket No. M-2015-2518883, entered May 23, 2018, at 26-27.

<sup>3</sup> Duquesne Comments at 2-3, E-Advocates Comments at 2 and Reply Comments at 1-2.

<sup>4</sup> PAWC Comments at 1, FirstEnergy Comments at 3, PPL Comments at 2.

<sup>5</sup> AEEI Comments at 1-2 and Reply Comments at 1-2, E-Advocates Comments at 2-3, IEC Comments at 2-3, Industrials Reply Comments at 2, OCA Comments at 3-4 and Reply Comments at 2-3, OSBA Reply Comments at 2.

<sup>6</sup> IBEW Comments at 1 and LDC Comments at 2-5.

<sup>7</sup> State Senator Lisa M. Boscola and State Senator John T. Yudichak Comments.

change base rates for natural gas distribution companies (NGDCs), electric distribution companies (EDCs), water or wastewater utilities or city natural gas distribution operations. The Commission declines to state or establish in this proceeding more specific policy goals to be considered in future base rate proceedings. We note that Section 1330 of the Code applies to NGDCs, EDCs, water or wastewater utilities and city natural gas distribution operations, for which more specific policy goals may vary based on the needs of the utility and its customers at any given point in time. Regarding the policy goals articulated in the Fixed Utility Distribution Rates Policy Statement proceeding at Docket No. M-2015-2518883, the Commission will address those policy goals in that proceeding.

#### B. Section 1330(b)—Alternative Rate Mechanisms

This section identifies which utilities may seek Commission approval of an alternative rate mechanism, identifies some alternative rate mechanisms and what may be recovered through an alternative rate mechanism. Specifically, Section 1330(b) states the following:

##### (b) Alternative rate mechanisms.

(1) Notwithstanding any other provision of law, including, but not limited to, sections 2806.1(k)(2) (relating to energy efficiency and conservation program) and 2807(f)(4) (relating to duties of electric distribution companies), the commission may approve an application by a utility in a base rate proceeding to establish alternative rates and rate mechanisms, including, but not limited to, the following mechanisms:

- (i) decoupling mechanisms;
- (ii) performance-based rates;
- (iii) formula rates;
- (iv) multiyear rate plans; or
- (v) rates based on a combination of more than one of the mechanisms in subparagraphs (i), (ii), (iii) and (iv) or other ratemaking mechanisms as provided under this chapter.

(2) An alternative rate mechanism established under this section may include rates under section 1307 (relating to sliding scale of rates; adjustments) or 1308 (relating to voluntary changes in rates) and may provide for recovery of returns on and return of capital investments or, in the case of city natural gas distribution operations, recovery under the cash flow ratemaking method.

(3) Capital costs and expenses recovered through alternative rates and rate mechanisms shall be reasonable and prudently incurred and used and useful in providing service. Nothing in this paragraph shall be construed to prohibit or limit the recovery of revenue, as appropriate, under a commission-approved performance-based rate plan.

Section 1330(b) of the Code, 66 Pa.C.S. § 1330(b).

#### 1. Base Rate Proceeding

In the TIO, the Commission proposed to interpret Section 1330(b)(1) as requiring utilities seeking to obtain Commission approval of an alternative rate or rate mechanism to do so initially through a Section 1308(d), 66 Pa.C.S. § 1308(d) (relating to voluntary changes in rates), general rate proceeding. In particular, the Commission interpreted the phrase, “a base rate proceeding” in subsection 1330(b)(1) as referring to a Section 1308(d) proceeding. A Section 1308(d) proceeding provides for an

extensive examination of a utility’s total revenues, expenses, taxes, capital costs and rate structure. Such proceedings, in which the statutory advocates, affected customers and others participate, represent an ideal vehicle for a careful and well-documented examination of any alternative ratemaking proposals. While subsection 1330(b)(2) states that “[a]n alternative rate mechanism established under this section may include rates under Section 1307. . . or 1308,” the Commission interpreted this as permitting rate adjustments in accordance with Section 1307 under parameters established through the initial Section 1308 proceeding approving the alternative rate mechanism.

Furthermore, the Commission interpreted the reference to Section 1308 as simply permitting subsequent changes or adjustments to a previously approved alternative rate mechanism through a subsequent Section 1308 proceeding. The Commission noted that this interpretation does not preclude or restrict in any way the ability of any party or the Commission from fully reviewing, in accordance with applicable statutory, regulatory and case law, a utility’s subsequent Section 1308 rate filing.

##### a. Comments

Commenters agree with the Commission’s interpretations of Section 1330(b).<sup>8</sup> UGI, however, asserts that base rate filings under Section 1308 that do not affect more than 5% of the customers and that do not involve amounts in excess of 3% of the total gross annual interstate operating revenues of the public utility are still subject to full Commission review and provide interested parties with the same ability to be heard. UGI, asserts, therefore, that the Commission should not limit the approval of such mechanisms to the subset of base rate cases that constitute a general rate increase under Section 1308(d). UGI further asserts that requiring approval in a general rate case is not required to fulfil the Commission’s obligation to prescribe the specific procedures for the approval of an application to establish alternative rates as the Commission already has established procedures applicable to base rate cases which do not constitute a general rate increase.<sup>9</sup>

UGI states alternative rate mechanisms can include rates subject to automatic adjustment authorized under Section 1307 of the Code and that Act 58 clearly requires such alternative rate mechanisms to be the context of base rate cases. UGI states, however, that Section 1307 rate mechanisms, once established, should be able to operate and be reviewed in Section 1307 proceedings, and Section 1308 base rate proceedings. UGI posits that if an NGDC were to propose an alternative rate mechanism for the recovery of purchased gas costs, and the mechanism was approved in a Section 1308 base rate case, it is presumed that the NGDC would be permitted to operate the alternative purchased gas cost recovery mechanism subject to review in Section 1307 filings.<sup>10</sup>

PPL also asserts that the language of Section 1330(b)(1) referring to a base rate proceeding contemplates any Section 1308 base rate proceeding and should not be limited to Section 1308(d) proceedings. PPL further asserts that establishing a Section 1307 mechanism in the context of an initial Section 1308 proceeding is consistent with other established 1307 mechanisms. PPL states that it has specific experience with this interpretation with

<sup>8</sup> AEEI Comments at 2-3, Duquesne Comments at 3-4, E-Advocates Comments at 5, EAP Comments at 2-3, FirstEnergy Comments at 4, IEC Comments at 3-4, Industrials Reply Comments at 6-8, OCA Comments at 4-5, OSBA Reply Comments at 2-3, and PAWC Comments at 2.

<sup>9</sup> UGI Comments at 4-5.

<sup>10</sup> UGI Comments at 6.

respect to two of its existing automatic adjustment clauses—the Competitive Enhancement Rider (CER) and the Storm Damage Expense Rider (SDER), both of which operate under the construct set forth in Section 1307, after being approved in a Section 1308(d) proceeding. PPL notes that Act 58 provides that the Commission may approve an application to establish alternative rates and rate mechanisms including, but not limited to the types defined in Act 5, and that rates may be based on a combination or more than one mechanism.<sup>11</sup>

OCA asserts that a Section 1308(d) general rate proceeding is the correct forum. OCA states that a 1308(d) proceeding will draw the largest and most diverse group of stakeholders and ordinarily provides the greatest opportunity for individual ratepayer participation, while rate filings under other Sections of 1308 generally draw little involvement from the rate-paying public and tend to draw fewer intervenors, making such proceedings not in the public interest. OCA asserts that a Section 1308(d) proceeding is the best and most reasonable forum for the evaluation of a utility's return of equity within the investigation of all the components of the utility's revenues and expenses.<sup>12</sup>

#### b. *Disposition*

The Commission adopts the interpretation of Section 1330(b)(1) as requiring utilities seeking to obtain Commission approval of an alternative rate or rate mechanism under Section 1330 of the code, to do so initially through a Section 1308(d), 66 Pa.C.S. § 1308(d) (relating to voluntary changes in rates), general rate proceeding. In particular, the Commission interprets the phrase, “a base rate proceeding” in subsection 1330(b)(1) as referring to a Section 1308(d) proceeding. A Section 1308(d) proceeding provides for an extensive examination of a utility's total revenues, expenses, taxes, capital costs and rate structure. Such proceedings, in which the statutory advocates, affected customers and others participate, represent an ideal vehicle for a careful and well-documented examination of any alternative ratemaking proposals. While subsection 1330(b)(2) states that “[a]n alternative rate mechanism established under this section may include rates under Section 1307... or 1308,” the Commission interprets this as permitting rate adjustments in accordance with Section 1307 under parameters established through the initial Section 1308 proceeding approving the alternative rate mechanism.

Furthermore, the Commission clarifies that the reference to Section 1307 in Section 1330(b) as simply permitting subsequent changes or adjustments to a previously approved alternative rate mechanism through a subsequent Section 1307 proceeding. The Commission noted that this interpretation does not preclude or restrict in any way the ability of any party or the Commission from fully reviewing, in accordance with applicable statutory, regulatory and case law, a utility's subsequent Section 1307 rate filing.

Regarding the comments of PPL and UGI that Section 1330(b) permits the Commission to approve an application by a utility to establish an alternative rate or rate mechanism through other Section 1308 proceedings, the Commission is not persuaded by their arguments. To begin with, we note that while PPL asserts that the Commission has approved alternative rates such as its CER and SDER riders, PPL acknowledges that these riders were introduced and approved in a Section 1308(d)

proceeding at Docket No. R-2012-2290597. This reinforces the Commission's interpretation of Section 1330(b). Furthermore, neither PPL nor UGI provide persuasive arguments that the Legislature's use of the phrase “base rate proceeding” as involving anything less than a comprehensive or extensive examination of a utility's total revenues, expenses, taxes, capital costs and rate structure. As the OCA points out, such proceedings, in which the statutory advocates, affected customers and others participate, represent an ideal vehicle for a careful and well-documented examination of any alternative ratemaking proposal.

We further find that the term “alternative rate” is not defined in the Code and is a rather amorphous term that could apply to many types of rates. Section 1330(f), does however, define several alternative rate mechanisms, such as decoupling mechanism, formula rates, multiyear rate plan and performance-based rates. These definitions make reference to distribution rates and revenue requirements in a manner that indicates that Section 1330 is intended to address comprehensive base rate proceedings.<sup>13</sup> While these defined alternative rate mechanisms, by definition allow for adjustments in rates without another full base rate proceeding, they are predicated on the fact that the rates are initially determined in a base rate proceeding that initially establishes the utility's revenue requirements consistent with well established ratemaking principles.

Accordingly, the Commission declines to adopt the interpretation put forth by PPL and UGI. With that said, the Commission notes that Section 1330(e) specifically states that “[n]othing in this section shall be construed as limiting the existing ratemaking authority of the commission or be construed to invalidate or void any rate mechanisms approved by the commission prior to the effective date of this section.” 66 Pa.C.S. § 1330(e). As such, it is not the intent of the Commission to preclude utilities from proposing rates permitted under existing law.

#### 2. *Other Provisions of Law*

Regarding the language in subsection 1330(b)(1) stating that “[n]otwithstanding any other provision of law, including, but not limited to, sections 2806.1(k)(2)... and 2807(f)(4),” the Commission noted that the word “notwithstanding” means “in spite of.”<sup>14</sup> Accordingly, the Commission proposed to interpret this section as in spite of any other provision of law, including, but not limited to, Sections 2806.1(k)(2)... and 2807(f)(4)..., the Commission may approve an application by a utility in a base rate proceeding to establish alternative rates and rate mechanisms.

Section 2806.1(k)(2) of the Code relates to EDC cost recovery for the Act 129 energy efficiency and conservation plans. Section 2806.1(k)(2) states that “decreased revenues of an [EDC] due to reduced energy consumption or changes in energy demand shall not be a recoverable cost under a reconcilable automatic adjustment clause.” Section 2807(f)(4) of the Code relates to EDC cost recovery for their Act 129 smart meter technology deployment plans. Section 2807(f)(4) states in part that “[i]n no event

<sup>13</sup> Decoupling mechanism is “[a] rate mechanism that reconciles authorized distribution rates or revenues for differences between projected rates used to set rates and actual sales. . . .” Formula rates are “[r]ates that are periodically adjusted based on a predetermined formula without the need for a full base rate proceeding.” Multiyear rate plan is “[a] rate mechanism under which the commission sets base rates and revenue requirements for a multiyear plan period and authorizes periodic changes in base rates. . . .” Performance-based rates are “[r]ates that are set or adjusted based on a public utility's financial or operating performance. Such mechanisms can be part of, or in addition to, existing rate base/rate of return ratemaking or cash flow ratemaking method and may include capital costs and return thereon.”

<sup>14</sup> See Black's Law Dictionary 1091 (7th ed. 1999). See also *Com. v. Sanchez-Rodriguez*, 814 A.2d 1234, 1238 (Pa. Super 2003).

<sup>11</sup> PPL Comments at 2-3 and Reply Comments at 3. See also PECO Reply Comments at 5 and FirstEnergy Reply Comments at 3-4.

<sup>12</sup> OCA Reply Comments at 4-5, 7.



shall lost or decreased revenues by an [EDC] due to reduced electricity consumption or shifting energy demand be considered any of the following: (i) A cost of smart meter technology recoverable under a reconcilable automatic adjustment clause under section 1307(b). . .(ii) A recoverable cost.” These two sections apply only to EDCs. As such, the Commission proposed to interpret the “notwithstanding” language in Section 1330(b) as permitting the Commission to approve an application by any utility, including EDCs, to establish alternative rates and rate mechanisms, in spite of the prohibitions in Section 2806.1(k)(2) and 2807(f)(4) of the Code.

#### a. *Comments*

Commenters also agree with the Commission’s interpretations of Section 1330(b) regarding its effect on other provisions of law.<sup>15</sup> Some Commenters request that the Commission should explicitly provide that the limitations of Section 2806.1(k) and 2807(f)(4) relating to the recovery of decreased revenues do not restrict recovery of such revenues through alternative rates or rate mechanisms considered and approved by the Commission under Section 1330(b), including reconcilable adjustment charges consistent with Section 1307 of the Code.<sup>16</sup> FirstEnergy argues that the pre-existing restrictions on recovery of lost distribution revenues contained within Act 129 is explicitly acknowledged by Act 58, yet an exception is clearly established to allow that, in circumstances where an alternative ratemaking mechanism is proposed, in the context of a base rate proceeding, under Section 1308 of the Code. FirstEnergy goes on to argue that an EDC could not propose and be granted a mechanism for such recovery through its EE&C or other such proceeding filed under Act 129, this exception allows for establishment of a mechanism under certain discrete instances that will offer the Commission further scrutiny of the proposal—a concern the General Assembly was affirmatively intending to address by including this revision to the bill in the course of its passage.<sup>17</sup>

EAP also asserts that subsection 1330(b)(2) authorizes the Commission to allow the recovery of decreased revenues resulting from the reduction of energy consumption or reduction of demand under Act 129 via a reconcilable adjustment charge consistent with Section 1307 of the Code. EAP requests that the Commission clarify and expand its statement in the TIO to avoid any future argument that Section 1307 mechanisms or adjustment charges are not available to recover lost revenues attributable to Act 129 in the context of a request in a base rate proceeding.<sup>18</sup>

IEC asserts that the prohibitions in Sections 2806.1(k)(2) and 2807(f)(4) are express prohibitions against the consideration of particular utility accounting items, specifically, lost or decreased revenues, as recoverable costs. IEC also asserts that this prohibition of a category of costs is not the same as prohibition of an alternative rate mechanism. IEC states that a plain reading of Section 1330(b) appears to indicate the Legislature’s intent to address and supersede existing prohibitions of alternative ratemaking structures and not the inclusion of lost or decreased revenues as recoverable costs.<sup>19</sup>

<sup>15</sup> AEEI Comments at 2-3, Duquesne Comments at 4, E-Advocates Comments at 3-5, EAP Comments at 4, FirstEnergy Comments at 4, OCA Comments at 4-7, PAWC Comments at 2 and PPL Comments at 4.

<sup>16</sup> E-Advocates Reply Comments at 2-3, EAP Comments at 4 and Reply Comments at 4, PECO Comments at 2-3 and Reply Comments at 3-4, PPL Reply Comments at 3.

<sup>17</sup> FirstEnergy Reply Comments at 5-6.

<sup>18</sup> EAP Comments at 4. See also PPL Reply Comments at 2-3 and E-Advocates Reply Comments at 2-3.

<sup>19</sup> IEC Comments at 4-5.

OCA states that Sections 2806.1(k)(2) and 2807(f)(4) are the result of Act 129, which allows EDCs to establish automatic surcharges to recover the costs of energy efficiency, demand response and smart meter programs. OCA asserts that the General Assembly, however, declared that such cost recovery shall not include “decreased revenues of an electric distribution company due to reduced energy consumption or changes in energy demand,” 66 Pa.C.S. § 2806.1(k)(2). OCA recognizes that alternative ratemaking mechanisms, such as rate decoupling, may inherently provide EDCs with some recovery of revenues that are attributable to reduced energy consumption or changes in energy demand. OCA, however, argues that the prohibitions contained within Section 2806.1(k)(2) and 2807(f)(4) still operate to preclude an EDC from recovering decreased revenues that are solely attributable to reduced energy consumption or changes in energy demand through a separate automatic adjustment mechanism, such as lost revenue adjustment clauses, that would be specifically designed to recovery only such revenues.<sup>20</sup>

#### b. *Disposition*

The Commission is not persuaded by either arguments proffered by OCA or the EDCs. Regarding the language in subsection 1330(b)(1) stating that “[n]otwithstanding any other provision of law, including, but not limited to, sections 2806.1(k)(2). . .and 2807(f)(4),” the Commission notes that the word “notwithstanding” means “in spite of.”<sup>21</sup> Accordingly, the Commission interprets this section as in spite of any other provision of law, including, but not limited to, Sections 2806.1(k)(2). . .and 2807(f)(4). . ., the Commission may approve an application by a utility in a base rate proceeding to establish alternative rates and rate mechanisms.

Section 2806.1(k)(2) of the Code relates to EDC cost recovery for the Act 129 energy efficiency and conservation plans. Section 2806.1(k)(2) states that “decreased revenues of an [EDC] due to reduced energy consumption or changes in energy demand shall not be a recoverable cost under a reconcilable automatic adjustment clause.” Section 2807(f)(4) of the Code relates to EDC cost recovery for their Act 129 smart meter technology deployment plans. Section 2807(f)(4) states in part that “[i]n no event shall lost or decreased revenues by an [EDC] due to reduced electricity consumption or shifting energy demand be considered any of the following: (i) A cost of smart meter technology recoverable under a reconcilable automatic adjustment clause under section 1307(b). . .(ii) A recoverable cost.” These two sections apply only to EDCs. As such, the Commission interprets the “notwithstanding” language in Section 1330(b) as permitting the Commission to approve an application by any utility, including EDCs, to establish alternative rates and rate mechanisms, despite the prohibitions in Section 2806.1(k)(2) and 2807(f)(4) of the Code.

The Commission declines to provide further guidance on this issue as both the OCA and the EDCs appear to be addressing specific costs that may, or may not, be permitted to be included in determining an EDC’s revenue requirement. The Commission declines to make a binding ruling on this issue in this proceeding as such a determination is fact dependent and can only be addressing in a proceeding that affords all interested parties an opportunity to present and cross-examine evidence and fully brief the issues and the law.

<sup>20</sup> OCA Comments at 5-7 and Reply Comments at 5-6. See also IEC Reply Comments at 3.

<sup>21</sup> See Black’s Law Dictionary 1091 (7th ed. 1999). See also *Com. v. Sanchez-Rodriguez*, 814 A.2d 1234, 1238 (Pa. Super 2003).

### 3. Covered Costs and Expenses

Regarding subsections 1330(b)(2) and (3) the Commission proposed to interpret subsection 1330(b)(2) as providing self-explanatory direction as to what revenue may be recovered through alternative rates and rate mechanisms. The Commission proposed to interpret subsection 1330(b)(3) as also providing self-explanatory direction as to what capital costs and expenses may be recovered through alternative rates and rate mechanisms, so long as those costs and expenses are “reasonable and prudently incurred and used and useful in providing service.” This is, of course, a fundamental principle of public utility law in Pennsylvania.

#### a. Comments

Commenters also agree with the Commission’s interpretations of Section 1330(b)(2) and (3).<sup>22</sup> LDC suggests that Project Labor Agreements, local hiring targets and Best Value Contracting should be utility practices supported by utility alternative ratemaking.<sup>23</sup> IBEW suggests that alternative rate mechanisms would allow utilities to increase reliability, perform maintenance and make investments in modern technology while increasing safety for workers and the public.<sup>24</sup> State Senators Lisa M. Boscola and John T. Yudichak state that alternative rates and rate mechanisms can better align utility rates with performance outcomes that improve safety, reliability, service and quality and that implementation of Act 58 must include strong training and protective standards.<sup>25</sup>

The OCA, IEC and Industrials request that the Commission establish specific consumer protections that should apply to utility alternative rate mechanisms.<sup>26</sup> AEEI requests that the Commission develop specific guidance on what is to be included in utility alternative ratemaking proposals.<sup>27</sup> PECO, Duquesne, EAP, PPL and FirstEnergy state that the Commission should maintain the flexibility provided in Act 58 for utilities to propose rate mechanisms and rate designs that fit their individual financial and operational needs and not impose specific customer protections.<sup>28</sup>

#### b. Disposition

The Commission interprets subsection 1330(b)(2) as providing self-explanatory direction as to what revenue may be recovered through alternative rates and rate mechanisms. The Commission interprets subsection 1330(b)(3) as also providing self-explanatory direction as to what capital costs and expenses may be recovered through alternative rates and rate mechanisms, so long as those costs and expenses are “reasonable and prudently incurred and used and useful in providing service.” This is, of course, a fundamental principle of public utility law in Pennsylvania.

The Commission declines to set additional requirements, parameters or customer protections in this proceeding as requested by various commenters. The Commission finds that Section 1330 has broad application to electric, natural gas, water and wastewater utilities, whereas, the commenters’ proposals were specific to EDCs. The Commission also finds that Section 1330 provides for a variety of alternative ratemaking mechanisms, whereas, the commenters’ proposals ad-

ressed specific forms of alternative ratemaking mechanisms. Establishing such additional requirements, parameters or customer protections in this proceeding is inappropriate. Such binding norms can only be established through legislation, rulemaking or adjudication.

In this proceeding, the Commission is simply providing guidance on how Act 58 will be implemented. Of note, Act 58, did not include the additional requirements, parameters or customer protections commenters’ requested. The Commission also declines to initiate a rulemaking through this proceeding. Again, the Commission notes that many of the suggested requirements, parameters and customer protections address specific utility functions or rate mechanisms that the utilities may or may not propose to implement. The Commission finds that at this time, it would not at this time be the best use of the interested stakeholders’ utilities’ or the Commissions’ resources to establish through rulemaking requirements for functions or rate mechanisms that may never be implemented by any utility. Accordingly, the Commission finds that such requirements, parameters and customer protections are best addressed in an adjudicated base rate proceeding based on the rate mechanism proposed by the utility and the facts associated with that utility and its proposed rates.

#### C. Section 1330(c)—Customer Notice

This section establishes requirements for utilities to provide additional notice to customers regarding an application for an alternative rate or rate mechanism, and information regarding the Commission decision and the approved rates. Specifically, Section 1330(c) states the following:

##### (c) Customer Notice

(1) A utility shall notify a customer of all of the following:

(i) The filing of an application under subsection (b)(1).

(ii) The commission’s decision on the application.

(iii) A summary and, if applicable, a schedule of the rate adjustments that will occur as a result of the commission’s approval of a utility application under subsection (b) and the effective date of the adjustments.

(iv) Any other information required by the commission by regulation or order.

(2) Notice shall be provided through customer bill inserts and posted on the utility’s publicly accessible Internet website.

Section 1330(c) of the Code, 66 Pa.C.S. § 1330(c).

The Commission’s regulation at 52 Pa. Code § 53.45 (relating to notice of new tariffs and tariff changes) dictates the notice utilities are required to provide to customers upon the filing of a new tariff, tariff supplement or tariff revision that constitutes a general rate increase within the meaning of 66 Pa.C.S. § 1308(d). To meet the new requirement in subsection 1330(c)(1)(i) for a utility to notify customers of the filing of an application for an alternative rate or rate mechanism, the Commission proposed to require utilities to include the following revisions to the notice language contained in 52 Pa. Code § 53.45(b)(1)(i) (relating to notice of proposed rate changes):

<sup>22</sup> Duquesne Comments at 4-5.

<sup>23</sup> LDC Comments at 1–5.

<sup>24</sup> IBEW Comments at 1.

<sup>25</sup> State Senators Lisa M. Boscola and John T. Yudichak Comments at 1–3.

<sup>26</sup> OCA Comments at 12-13, IEC Reply Comments at 4-5, Industrial Comments at 1–8.

<sup>27</sup> AEEI Reply Comments at 1–3.

<sup>28</sup> PECO Reply Comments at 2-3, Duquesne Reply Comments at 2–5, EAP Reply Comments at 2-3, PPL Reply Comments at 4–6, FirstEnergy Reply Comments at 6-7.

*NOTICE OF PROPOSED RATE CHANGES*

To Our Customers:

(company) is filing a request with the Pennsylvania Public Utility Commission (PUC) to increase your (type of service) rates as of (date). This notice describes the company's rate request, the PUC's role, and what actions you can take.

(company) has requested an overall rate increase of \$ \_\_\_\_\_ per year. **This filing also includes a request for approval of the following alternative rate mechanism(s): (state the alternative rate mechanism(s) in accordance with 66 Pa.C.S. § 1330 (relating to alternative ratemaking for utilities). If the alternative rate mechanism(s) is approved as filed, the impact would be (provide a summary of the rate impacts by customer class).**

If the company's entire request is approved, the total bill for a residential customer using (state typical usage level) would increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ per month or by \_\_\_\_ %.

\* \* \* \* \*

To meet the new requirements in subsection 1330(c)(2) that the utility shall provide notice through customer bill inserts and a posting on the utility's publicly accessible website, the Commission proposed that a utility seeking an alternative rate or rate mechanism, must provide bill inserts as prescribed in 52 Pa. Code § 53.45(4) (relating to alternative method) in lieu of 52 Pa. Code § 53.45(2) (relating to by written or printed notice). In addition, the Commission proposed to require the utility to post this notice on its publicly accessible website. The Commission also proposed the requirement that the utility provide a link to this notice on the utility's customer home page and any page dedicated to a customer class and that this link be prominently displayed.

To meet the new requirements in subsections 1330(c)(1)(ii) and (iii) that the utility must notify customers of the Commission's decision and provide a summary of the approved alternative rate or rate mechanism, the Commission proposed that the utility include this information on the utility's tariff pages listing modifications of existing rules, regulations and rates as prescribed in 52 Pa. Code § 53.22 (relating to list of modifications). Specifically, the Commission proposed that these tariff pages identify the Commission's order approving the Section 1330 alternative rate or rate mechanism and include the caption, docket number and order entry date. In addition, the Commission proposed that these tariff pages include a summary of the Commission-approved Section 1330 alternative rate and rate mechanism, in plain language, and, if applicable, a schedule of the rate adjustments that will occur and the effective dates of any adjustments.

Regarding the requirements of subsection 1330(c)(2), the Commission proposed that the utility distribute the tariff pages containing the list of modifications to customers through a bill insert. In addition, the Commission proposed to require the utility to provide a link to this portion of the utility's tariff on the utility's customer home page and any page dedicated to a customer class and that this link be prominently displayed.

1. *Comments*

Duquesne suggests that any notice contain plain language explanations of the rate recovery method and that the Commission be flexible in its interpretation of the notification requirements. Duquesne and FirstEnergy dis-

agree with the proposal to distribute tariff pages to customers via a bill insert and suggests that the bill inserts contain explanations of adjustments consistent with the requirements of 52 Pa. Code § 53.45, as is currently done.<sup>29</sup>

EAP, PECO, PPL and Columbia generally agree with the proposal to require utilities to include revisions to the notice language in 52 Pa. Code § 53.45(b)(1)(i), noting that the changes clearly state that the company's rate filing includes a request for approval of an alternative rate mechanism and provides a summary of the rate impacts by customer class. EAP, PECO also agree with the requirement that utilities provide a link to the notice sent via bill insert on its customer home page, which will ensure availability of the message to those customers who receive e-bills, pay their utility bill via automatic payment, or otherwise miss the insert. PPL does not object to including a link on its customer home page, however, it does have concerns with including links on any page dedicated to a customer class. EAP, PECO, PPL and UGI, however, do not believe it is good practice or necessary to include copies of the tariff pages as part of the bill insert, as it would increase costs and not currently mandated. EAP, PECO, PPL and Columbia suggest that utilities be allowed to include in the bill inserts the information required by Subsection 1330(c)(1) and an explanation of how to access the tariff pages via electronic means.<sup>30</sup>

PAWC supports the proposed revision to the notice language provided for in 52 Pa. Code § 53.45(b)(1)(i) and the requirement to provide bill inserts provided for in 52 Pa. Code § 53.45(4). PAWC, however, requests that the Commission permit utilities to use direct mail in lieu of bill inserts. PAWC supports the requirement to post the notice on the public utility's website as well as providing a link to the notice on the customer and customer class designated home page.<sup>31</sup>

AEEI notes that there is a distinction between "rate design" and "ratemaking," with the former describing the electricity rates and tariffs that apply to specific customers, whereas the latter describes the general process for setting utility revenue requirements. AEEI also notes that an outcome of a utility application under Section 1330 may be new or modified retail customer tariffs, but this is not a necessary outcome. AEEI states that the use of multi-year rate plans or performance incentives will not necessarily require utilities to modify customer tariffs. AEEI suggests that while customers must be notified of tariff changes, the notice guidelines should avoid creating customer confusion. AEEI also suggests that the notice language should be flexible enough to describe the full range of possible rate designs that may be implemented and should include information about tools, services and other information available to help customers manage their energy usage and costs.<sup>32</sup>

OCA supports early and effective notice to customers and agrees that the initial notice must include information on the alternative ratemaking proposal. OCA, however, is concerned that the requirements may provide insufficient notice. OCA suggests that the notice should describe in plain language how the alternative ratemaking mechanism operates and the goal of the mechanism. In addition, the OCA suggests that the bill inserts should include a plain language narrative of how the mechanism

<sup>29</sup> Duquesne Comments at 5-7 and Reply Comments at 5-6, FirstEnergy Comments at 5-6.

<sup>30</sup> EAP Comments at 5-6, PECO Comments at 4, PPL Comments at 4-6, UGI Comments at 7, and Columbia Comments at 2-3.

<sup>31</sup> PAWC Comments at 2.

<sup>32</sup> AEEI Comments at 3.



will impact a customer's utility bill and how a customer may mitigate or offset any potential surcharges or rate hikes. OCA further suggests that the notices should be provided to the Commission's Bureau of Consumer Services and the OCA for review and comment before being sent to customers.<sup>33</sup>

OCA also submits that instead of providing only a notice of a Commission decision by providing the relevant tariff pages, the utility should be required to include information on the final and approved alternative ratemaking mechanism in a conspicuous bill insert printed in plain language. OCA asserts that this notice should also be provided to the Commission's Bureau of Consumer Services and the OCA for review and comment before being sent to customers.<sup>34</sup>

OSBA agrees that customer notice of proposed alternative ratemaking is critical, however, OSBA is concerned that requiring the inclusion of tariff pages in a bill insert would be costly, unduly burdensome and create customer confusion. OSBA asserts that including information with the bill inserts regarding how customers may electronically access tariff pages is an adequate and appropriate alternative. OSBA recommends that a working group of interested stakeholders be created to discuss notice requirements and report any consensus to the Commission.<sup>35</sup>

PPL and Duquesne object to OCA's suggestion to include additional levels of detail in the initial notice as such information may cause confusion. In addition, PPL objects to providing the same level of detail upon approval of the rate mechanism. PPL asserts that this level of detail may cause customers to struggle to understand how the proposal changed and why, or they may assume that they have already been notified of the changes and disregard any messaging on the final approved mechanism. PPL and PAWC also oppose having OCA and the Commission's Bureau of Consumer Services review and comment on the notices, noting the strict timing limitations on the notices required by 52 Pa. Code § 53.45(a). PPL further notes that it currently and on a consistent basis provides customers with information on steps to mitigate or offset the impact of new rates on their bill.<sup>36</sup>

## 2. Disposition

This section establishes requirements for utilities to provide additional notice to customers regarding an application for an alternative rate or rate mechanism, and information regarding the Commission decision and the approved rates. Specifically, Section 1330(c) states the following:

### (c) Customer Notice

(1) A utility shall notify a customer of all of the following:

(i) The filing of an application under subsection (b)(1).

(ii) The commission's decision on the application.

(iii) A summary and, if applicable, a schedule of the rate adjustments that will occur as a result of the commission's approval of a utility application under subsection (b) and the effective date of the adjustments.

(iv) Any other information required by the commission by regulation or order.

(2) Notice shall be provided through customer bill inserts and posted on the utility's publicly accessible Internet website.

Section 1330(c) of the Code, 66 Pa.C.S. § 1330(c).

The Commission's regulation at 52 Pa. Code § 53.45 (relating to notice of new tariffs and tariff changes) dictates the notice utilities are required to provide to customers upon the filing of a new tariff, tariff supplement or tariff revision that constitutes a general rate increase within the meaning of 66 Pa.C.S. § 1308(d). To meet the new requirement in subsection 1330(c)(1)(i) for a utility to notify customers of the filing of an application for an alternative rate or rate mechanism, the Commission will require utilities to include the following revisions to the notice language contained in 52 Pa. Code § 53.45(b)(1)(i) (relating to notice of proposed rate changes):

### NOTICE OF PROPOSED RATE CHANGES

To Our Customers:

(company) is filing a request with the Pennsylvania Public Utility Commission (PUC) to increase your (type of service) rates as of (date).

This notice describes the company's rate request, the PUC's role, and what actions you can take.

(company) has requested an overall rate increase of \$ \_\_\_\_\_ per year. **This filing also includes a request for approval of the following alternative rate mechanism(s): (state the alternative rate mechanism(s) in accordance with 66 Pa.C.S. § 1330 (relating to alternative ratemaking for utilities). If the alternative rate mechanism(s) is approved as filed, the impact would be (provide a summary and, if applicable, a schedule of the rate adjustments that will occur as a result of the Commission's approval of a utility application under 66 Pa.C.S. § 1330(b) and the effective date of the adjustments).**

If the company's entire request is approved, the total bill for a residential customer using (state typical usage level) would increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ per month or by \_\_\_\_ %.

\* \* \* \* \*

The Commission agrees with EAP, PECO, PPL and Columbia that the proposed changes to the notice language contained in 52 Pa. Code § 53.45(b)(1)(i) that more closely matches the language in Subsection 1330(c)(1). In addition, the Commission agrees with Duquesne, EAP, PECO, PPL and Columbia that the utilities be given some flexibility in how they describe the proposed alternative rate mechanism and its impacts, noting that the summary and impacts will vary depending on the proposed rate mechanism. Accordingly, we revised the changes to the notice language contained in 52 Pa. Code § 53.45(b)(1)(i) to mirror the language in 66 Pa.C.S. § 1330(c)(1)(iii).

The Commission will not require that the notice describe in plain language how the alternative ratemaking mechanism operates, the goal of the mechanism, a narrative of how the mechanism will impact a customer's utility bill or how a customer may mitigate or offset any potential surcharges or rate hikes as suggested by the OCA. We agree with PPL and Duquesne that this level of detail may confuse customers. In addition, we decline to adopt the OCA's suggestion that the notices be provided to the Commission's Bureau of Consumer Services and the OCA for review and comment before being sent to customers. The Commission agrees with PPL and Duquesne that the current regulations do not require

<sup>33</sup> OCA Comments at 7-8 and OCA Reply Comments at 7-8.

<sup>34</sup> OCA Comments at 8-9 and OCA Reply Comments at 8-9.

<sup>35</sup> OSBA Reply Comments at 3-4.

<sup>36</sup> PPL Reply Comments at 6-7, Duquesne Reply Comments at 5-6, and PAWC Reply Comments at 3-4.

such a review, nor does the timing requirements of 52 Pa. Code § 53.45 permit an adequate review.

To meet the new requirements in subsection 1330(c)(2) that the utility shall provide notice through customer bill inserts and a posting on the utility's publicly accessible website, the Commission will require a utility seeking an alternative rate or rate mechanism, to provide bill inserts as prescribed in 52 Pa. Code § 53.45(b)(4) (relating to alternative method) in lieu of 52 Pa. Code § 53.45(b)(2) (relating to by written or printed notice). We agree with PAWC's request that the Commission permit utilities to use direct mail in lieu of bill inserts. In addition, the Commission will require the utility to post this notice on its publicly accessible website. The Commission will also require that the utility provide a link to this notice on the utility's customer home page. In recognition of the fact that each utility's websites are unique, as asserted by PPL, we will not dictate how a utility is to provide notice to individual customer classes on its website but simply require that the utility provide a link to the notice in a manner that allows any customer to see and access the link upon initial access to the utility's website, at a minimum.

To meet the new requirements in subsections 1330(c)(1) and (2) that the utility must notify customers of the Commission's decision, the Commission will require utilities to provide a plain language summary of the Commission's decision and the approved alternative rate or rate mechanism and, if applicable, a schedule of the rate adjustments that will occur as a result of the Commission's approval of the utility's application under 66 Pa.C.S. § 1330(b) and the effective dates of the adjustments. In addition, the Commission will require the utility to provide a link to this plain language summary of the Commission's decision and the approved alternative rate or rate mechanism and, if applicable, a schedule of the rate adjustments that will occur on the utility's customer home page. Again, we will not dictate how a utility is to provide notice to individual customer classes on its website but simply require that the utility provide a link to the notice in a manner that allows any customer to see and access the link upon initial access to the utility's website, at a minimum.

The Commission will not require the utility to provide tariff pages to customers as bill inserts. The Commission agrees with the commenters that noted that this requirement would be costly and unduly burdensome and confusing to customers.

#### D. Section 1330(d)—Commission

This section requires the Commission to prescribe, by regulation or order, specific procedures for the approval of an application to establish alternative rates. Specifically, Section 1330(d) of the Code states the following:

(d) Commission—No later than six months after the effective date of this subsection, the commission, by regulation or order, shall prescribe the specific procedures for the approval of an application to establish alternative rates.

Section 1330(d) of the Code, 66 Pa.C.S. § 1330(d).

To meet this requirement, the Commission proposed to require a utility seeking to use or employ an alternative rate or rate mechanism under Section 1330 to obtain Commission approval through a Section 1308(d), 66 Pa.C.S. § 1308(d), base rate proceeding which, as noted herein, includes an in-depth examination of the utility's financial status and operations.

It is well-established that in any Section 1308 proceeding, the utility has the burden of establishing the justness

and reasonableness of tariff proposals. See 66 Pa.C.S. §§ 315(a); 1301. The Pennsylvania Commonwealth Court has ruled that the evidence adduced to meet this standard must be substantial. See *Lower Frederick Twp. v. Pa. PUC*, 409 A.2d 505, 507 (Pa. Cmwlth. 1980). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Dutchland Tours, Inc. v. Pa. PUC*, 337 A.2d 922 (Pa. Cmwlth. 1975). It is also well-established that the burden of proof does not shift to parties challenging a utility's proposal but remains with the utility throughout the course of the proceeding. See *Berner v. Pa. PUC*, 116 A.2d 738 (Pa. 1955). Section 1330 of the Code does not alter or change these well-established standards placed on a utility seeking to change its rates through a Section 1308 base rate proceeding.

Furthermore, the Commission's regulation at 52 Pa. Code § 53.53 (relating to information to be furnished with proposed Section 1308(d) general rate increase filings in excess of \$1 million) establishes what a utility is to provide when it files a tariff or tariff supplement seeking a general rate increase within the meaning of 66 Pa.C.S. § 1308(d). The information to be furnished in accordance with 52 Pa. Code § 53.53 is quite comprehensive and far-reaching such that the Commission presumes that it encompasses what is required for any base rate proposal, including any alternative rate or rate mechanism.

The Commission notes that utilities have always had the ability to propose,<sup>37</sup> and the Commission has had the ability to approve, alternative rates or rate mechanisms, including the rate mechanisms specifically listed in Section 1330. The General Assembly specifically recognized this in subsection 1330(e) of the Code, 66 Pa.C.S. § 1330(e), where it stated the following:

(e) Construction—Nothing in this section shall be construed as limiting the existing ratemaking authority of the commission or be construed to invalidate or void any rate mechanism approved by the commission prior to the effective date of this section.

Section 1330(e) of the Code, 66 Pa.C.S. § 1330(e). The Commission postulated that at the present time, the established law, rules and procedures for filing and seeking approval of a new rate, including alternative rates and rate mechanisms, under a Section 1308 general base rate proceeding appear to be adequate for the Section 1330 requirements. Accordingly, the Commission did not propose any additional specific procedures unless or until their need becomes apparent.<sup>38</sup>

Finally, the Commission recognized that some of the alternative rate mechanisms involve annual reconciliation or adjustments. In particular, the definitions of decou-

<sup>37</sup> The Commission notes that 66 Pa.C.S. §§ 2806.1(k)(2); 2807(f)(4) could have been interpreted as limiting the ability of the large EDCs from employing certain alternative ratemaking mechanisms.

<sup>38</sup> As previously mentioned, at Docket No. M-2015-241883, the Commission has proposed a policy statement that is intended to provide guidance for fixed utilities and interested stakeholders on what the Commission will consider when investigating alternative ratemaking methodologies proposed in Section 1308, 66 Pa.C.S. § 1308, rate proceedings. In that proceeding the Commission stated the following:

A consistent theme expressed in the comments is that the Commission should not take a one-size-fits-all approach, with some parties suggesting that we establish guidelines. We agree with these parties that the type and extent of alternative ratemaking methodologies employed by each fixed utility should be developed in a transparent manner in accordance with each utility's unique circumstances. We also agree that establishment of the guidelines each utility and stakeholder should consider in a Section 1308 rate proceeding would be helpful in determining if, the types(s) of and to what extent, alternative ratemaking methodologies should be employed.

See Fixed Utility Distribution Rates Policy Statement, Proposed Policy Statement Order, Docket No. M-2015-2518883, entered May 23, 2018, at 26. The Commission intends to continue the investigation of the appropriateness of this proposed policy statement as such guidance appears, based on the comments submitted under that docket, to remain relevant to utilities and interested stakeholders in future Section 1308 base rate proceedings.

pling mechanism, multiyear rate plan and performance-based rates in subsection 1330(f), 66 Pa.C.S. § 1330(f), specifically allow for periodic adjustments or reconciliation of rates. The Commission postulated that the parameters for when and how such adjustments or reconciliations are to transpire, and whether interest is to be applied to any over- and under-collections, are to be established initially in the Section 1308(d) base rate proceeding and subsequently made in accordance with Section 1307 of the Code, 66 Pa.C.S. § 1307, (relating to sliding scale of rates; adjustments).

This was recognized by the General Assembly and codified in subsection 1330(b)(2), 66 Pa.C.S. § 1330(b)(2), which states that “[a]n alternative rate mechanism established under this section may include rates under section 1307 (relating to sliding scale of rates; adjustments). . . .” Accordingly, the Commission did not propose any additional specific procedures regarding such adjustments at this time.

### 1. Comments

Duquesne and FirstEnergy agree that this approach is logical and well-understood by utilities, statutory advocates and other interested stakeholders. Duquesne also agrees that Section 1330 of the Code does not alter and will not change the well-established burden of proof standards placed on a utility seeking to change its rates through a Section 1308 base rate proceeding. Duquesne further agrees that the information provided pursuant to 52 Pa. Code § 53.53 is quite comprehensive and far-reaching and, unless or until proven otherwise, will provide the requisite information that the Commission needs to fairly and fully evaluate any alternative mechanism proposal. Finally, Duquesne agrees that the parameters for any adjustments or reconciliations required by an alternative rate mechanism should be part of the final Commission action in the Section 1308(d) base rate proceeding and do not require any additional specific regulations at this time.<sup>39</sup>

PAWC agrees that base rate proceedings include an in-depth review and examination of a public utility's financial status and operations. PAWC also states that the information a public utility is required to submit as part of a base rate proceeding is detailed and comprehensive, as such, no additional filing requirements are needed. PAWC also notes that it is cognizant of its customers and provides quality service at just and reasonable rates as approved by the Commission. PAWC also states that it has and continues to engage in customer education and asserts that utilities should not be required to submit an education plan as part of an alternative rate mechanism filing.<sup>40</sup>

E-Advocates agree that Section 1330(d), whereby a utility seeking to use or employ an alternative rate or rate mechanism must do so through a Section 1308(d) base rate proceeding and is consistent with Pennsylvania jurisprudence that places the burden on utilities to show that tariff proposals are just and reasonable. E-Advocates also agree that base rate cases allow for interested stakeholders to participate in an in-depth examination of a utility's financial status, as well as proposed policies, ratemaking and rate-design structures that would impact ratepayers.<sup>41</sup>

IEC concurs with the Commission's interpretation of Section 1330(d). OCA also agrees with the Commission's

interpretation. OCA, OSBA, IEC and Industrials, however, submit that the Commission should use its authority under Subsection 1330(d) to create specific procedures concerning filing requirements, consumer protections, and consumer education plans when utilities apply for alternative ratemaking mechanisms.<sup>42</sup>

PPL, PECO and EAP again note that it is its position that the reference to “a base rate proceeding” in Section 1330(b)(1) contemplates any Section 1308 base rate proceeding and should not be limited to Section 1308(d) proceedings. PPL believes the processes for base rate cases under Section 1308 and automatic adjustment clauses under Section 1307 are well established and familiar to stakeholders. PPL also supports the position that the information required by 52 Pa. Code § 53.53 is comprehensive and will meet the needs to support a proposal for any alternative rate or rate mechanism. PPL also agrees that the details of reconciliation for a given permissible mechanism be established in the context of the 1308 base rate proceeding as this is the most efficient and effective method.<sup>43</sup>

### 2. Disposition

To meet requirements of Section 1330(d), 66 Pa.C.S. § 1330(d), the Commission will require a utility seeking to use or employ an alternative rate or rate mechanism under Section 1330 to obtain Commission approval through a Section 1308(d), 66 Pa.C.S. § 1308(d), base rate proceeding which, as noted herein, includes an in-depth examination of the utility's financial status and operations.

The Public Utility Code provides that in any Section 1308 proceeding, the utility has the burden of establishing the justness and reasonableness of tariff proposals. 66 Pa.C.S. §§ 315(a); 1301. The Pennsylvania Commonwealth Court has ruled that the evidence adduced to meet this standard must be substantial. See *Lower Frederick Twp. v. Pa. PUC*, 409 A.2d 505, 507 (Pa. Cmwlth. 1980). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Dutchland Tours, Inc. v. Pa. PUC*, 337 A.2d 922 (Pa. Cmwlth. 1975). It is also well-established that the burden of proof does not shift to parties challenging a utility's proposal but remains with the utility throughout the course of the proceeding. See *Berner v. Pa. PUC*, 116 A.2d 738 (Pa. 1955).

Section 1330 of the Code does not alter or change these well-established standards placed on a utility seeking to change its rates through a Section 1308 base rate proceeding.

Furthermore, the Commission's regulation at 52 Pa. Code § 53.53 (relating to information to be furnished with proposed Section 1308(d) general rate increase filings in excess of \$1 million) establishes what a utility is to provide when it files a tariff or tariff supplement seeking a general rate increase within the meaning of 66 Pa.C.S. § 1308(d). The information to be furnished in accordance with 52 Pa. Code § 53.53 is quite comprehen-

<sup>39</sup> Duquesne Comments at 7-8 and Reply Comments at 3-5, FirstEnergy Reply Comments at 6-7.

<sup>40</sup> PAWC Comments at 2-3 and Reply Comments at 4-5.

<sup>41</sup> E-Advocates Comments at 5.

<sup>42</sup> IEC Comments at 6 and Reply Comments at 4-6, OCA Comments at 9-15 and Reply Comments at 9-11, OSBA Reply Comments at 4-6, Industrials Reply Comments at 8-10.

<sup>43</sup> PPL Comments at 7-8 and Reply Comments at 7-8, PECO Reply Comments at 5, EAP Reply Comments at 4-6.



sive and far-reaching such that the Commission presumes that it encompasses what is required for any base rate proposal, including any alternative rate or rate mechanism.

The Commission notes that utilities have always had the ability to propose,<sup>44</sup> and the Commission has had the ability to approve, alternative rates or rate mechanisms, including the rate mechanisms specifically listed in Section 1330. The General Assembly specifically recognized this in subsection 1330(e) of the Code, 66 Pa.C.S. § 1330(e), where it stated the following:

(e) Construction—Nothing in this section shall be construed as limiting the existing ratemaking authority of the commission or be construed to invalidate or void any rate mechanism approved by the commission prior to the effective date of this section.

Section 1330(e) of the Code, 66 Pa.C.S. § 1330(e). The Commission finds, that at the present time, the established law, rules and procedures for filing and seeking approval of a new rate, including alternative rates and rate mechanisms, under a Section 1308 general base rate proceedings are adequate to meet the Section 1330 requirements. Accordingly, the Commission will not propose any additional specific procedures unless or until their need becomes apparent.<sup>45</sup>

Finally, the Commission recognizes that some of the alternative rate mechanisms involve annual reconciliation or adjustments. In particular, the definitions of decoupling mechanism, multiyear rate plan and performance-based rates in subsection 1330(f), 66 Pa.C.S. § 1330(f), specifically allow for periodic adjustments or reconciliation of rates. The Commission finds that the parameters for when and how such adjustments or reconciliations are to transpire, and whether interest is to be applied to any over- and under-collections, are to be established initially in the Section 1308(d) base rate proceeding and subsequently made in accordance with Section 1307 of the Code, 66 Pa.C.S. § 1307, (relating to sliding scale of rates; adjustments).

This was recognized by the General Assembly and codified in Subsection 1330(b)(2), 66 Pa.C.S. § 1330(b)(2), which states that “[a]n alternative rate mechanism established under this section may include rates under section 1307 (relating to sliding scale of rates; adjustments) . . . .” Accordingly, the Commission will not propose any additional specific procedures regarding such adjustments at this time.

Regarding the assertions by PPL, PECO and EAP that the reference to “a base rate proceeding” in Section 1330(b)(1) contemplates any Section 1308 base rate proceeding and should not be limited to Section 1308(d)

<sup>44</sup> The Commission notes that 66 Pa.C.S. §§ 2806.1(k)(2); 2807(f)(4) could have been interpreted as limiting the ability of the large EDCs from employing certain alternative ratemaking mechanisms.

<sup>45</sup> As previously mentioned, at Docket No. M-2015-241883, the Commission has proposed a policy statement that is intended to provide guidance for fixed utilities and interested stakeholders on what the Commission will consider when investigating alternative ratemaking methodologies proposed in Section 1308, 66 Pa.C.S. § 1308, rate proceedings. In that proceeding the Commission stated the following:

A consistent theme expressed in the comments is that the Commission should not take a one-size-fits-all approach, with some parties suggesting that we establish guidelines. We agree with these parties that the type and extent of alternative ratemaking methodologies employed by each fixed utility should be developed in a transparent manner in accordance with each utility’s unique circumstances. We also agree that establishment of the guidelines each utility and stakeholder should consider in a Section 1308 rate proceeding would be helpful in determining if, the types(s) of and to what extent, alternative ratemaking methodologies should be employed.

See Fixed Utility Distribution Rates Policy Statement, Proposed Policy Statement Order, Docket No. M-2015-2518883, entered May 23, 2018, at 26. The Commission intends to continue the investigation of the appropriateness of this proposed policy statement as such guidance appears, based on the comments submitted under that docket, to remain relevant to utilities and interested stakeholders in future Section 1308 base rate proceedings.

proceedings, as discussed in Section B.1.b. of this Order, the Commission is not persuaded by their arguments. We, however, again note that that Section 1330(e) specifically states that “[n]othing in this section shall be construed as limiting the existing ratemaking authority of the commission or be construed to invalidate or void any rate mechanisms approved by the commission prior to the effective date of this section.” 66 Pa.C.S. § 1330(e). As such, it is not the intent of the Commission to preclude utilities from proposing rates permitted under existing law.

Regarding the requests by OCA, OSBA, IEC and Industrials that the Commission should use its authority under Subsection 1330(d) to create specific procedures concerning filing requirements, consumer protections, and consumer education plans when utilities apply for alternative ratemaking mechanisms, as discussed in Section B.3.b. of this Order, the Commission is not persuaded by their arguments. The Commission finds that Section 1330 has broad application to electric, natural gas, water and wastewater utilities, whereas, the commenters’ proposals were specific to EDCs. The Commission also finds that Section 1330 provides for a variety of alternative ratemaking mechanisms, whereas, the commenters’ proposals addressed specific forms of alternative ratemaking mechanisms. Establishing such additional requirements, parameters or customer protections in this proceeding is inappropriate.

#### E. Section 1330(f)—Definitions

This section defines decoupling mechanism, multiyear rate plan, performance-based rates and utility. In particular, the term utility as used in Section 1330, is defined in Section 1351 of the Code, 66 Pa.C.S. § 1351. Section 1351 defines utility as “[a] natural gas distribution company, electric distribution company, water or wastewater utility or city natural gas distribution operation.” Accordingly, Section 1330 only applies to these utilities. The Commission received no comments in opposition to this interpretation and will adopt it.

#### Conclusion

This Implementation Order outlines the key portions of Act 58, 66 Pa.C.S. § 1330, that the Commission is required to administer and provides guidance to the public and utility industry regarding how these provisions are interpreted by the Commission and how they are to be implemented. The Commission thanks the stakeholders for their thorough and insightful comments on this important legislation; *Therefore,*

#### *It Is Ordered That:*

1. The Commission hereby adopts the interpretation and implementation of Section 1330 of the Public Utility Code, 66 Pa.C.S. § 1330, as set forth in this Order.

2. A copy of this order be served on all jurisdictional electric distribution companies, all jurisdictional natural gas distribution companies and city natural gas distribution operators, all jurisdictional water and wastewater utilities, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate and all parties that filed comments in this proceeding.

3. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission’s website at [www.puc.pa.gov](http://www.puc.pa.gov).

4. The contact person for this Tentative Implementation Order is Kriss Brown, Assistant Counsel, Law Bureau, [kribrown@pa.gov](mailto:kribrown@pa.gov), (717) 787-4518.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-735. Filed for public inspection May 10, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pro Forma Change in Intermediate Ownership and Control

**A-2019-3009570 and A-2019-3009571. PEG Bandwidth PA, LLC and Southern Light, LLC, d/b/a Uniti Fiber PA.** Joint application of PEG Bandwidth PA, LLC and Southern Light, LLC, d/b/a Uniti Fiber PA for approval of a pro forma change in intermediate ownership and control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 28, 2019. 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:* PEG Bandwidth PA, LLC; Southern Light, LLC, d/b/a Uniti Fiber PA

*Through and By:* Anthony C. DeCusatis, Esquire, Catherine Vasudevan, Esquire, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-736. Filed for public inspection May 10, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by May 28, 2019.

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-2018-3005505. Twista Transport, Inc., t/a Twista Transport** (909 North 42nd Street, Philadelphia, Philadelphia County, PA 19104) for the right to transport, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

**A-2019-3008584. SCA Transit Corp.** (111 Presidential Boulevard # 160, Bala Cynwyd, Montgomery County, PA 19004) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return.

**A-2019-3009007. Blackhorse Empire, LLC** (1150 Old York Road, Suite 24-1, Abington, Montgomery County, PA 19001) in paratransit service, from points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2019-3009353. Nile Transportation, LLC** (264 Wabash Avenue, Lansdowne, PA 19050) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Delaware, and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

**A-2019-3009384. Luxury Ground Entertainment, LLC** (10190 West Main Road, Suite 103, North East, PA 16428) for the right to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, from points in the Counties of Crawford, Erie, Forest, McKean, Venango and Warren, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

### 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-2019-3009548. RCAA Health Services, Inc.** (11603 State Route 61, Mount Carmel, PA 17851) for the discontinuance of service and cancellation of its certificate, at A-6420662, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, from the facilities of RCAA Health Services, Inc., in Northumberland County: 1.) to points in Northumberland County, and vice versa; and 2.) to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-737. Filed for public inspection May 10, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 27, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

#### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. KLD Transportation, LLC; Docket No. C-2019-3008653**

##### 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 KLD Transportation, LLC, (respondent) is under suspension effective March 02, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1559 Boyd Road, Colliers, WV 26035-1630.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 24, 2018, at A-8919716.

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-8919716 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

##### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/20/2019

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@puc.gov](mailto:RA-PCCmplntResp@puc.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.



The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions, you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Joseph Mikloiche, t/a Mikloiche Trucking; Docket No. C-2019-3008794**

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 Joseph Mikloiche, t/a Mikloiche Trucking (respondent) is under suspension effective March 15, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 4270 State Route 2014, Clifford Township, PA 18421.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 09, 2018, at A-8921113.

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-8921113 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/27/2019

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions, you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
 Investigation and Enforcement v. Gegen, LLC;  
 Docket No. C-2019-3008970**

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 Gegen, LLC, (respondent) is under suspension effective March 25, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 109 South 13th Street, Suite 2S, Philadelphia, PA 19107.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 29, 2013, at A-6915035.

4. That respondent has failed to maintain evidence of Bond 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-6915035 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/16/2019

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmpltResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions, you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-738. Filed for public inspection May 10, 2019, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than May 28, 2019. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-19-04-07. Abrar Trans, Inc.** (4413 Walnut Street, Apartment 2F, Philadelphia, PA 19104): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-19-04-08. Kamal & Akter, Inc.** (4323 Wallace Street, Philadelphia, PA 19104): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 19-739. Filed for public inspection May 10, 2019, 9:00 a.m.]



## STATE EMPLOYEES’ RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees’ Retirement Code), in connection with the State Employees’ Retirement System’s denial of claimants’ request concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees’ Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

July 16, 2019	Geralynn Zalinski Disability Issue	1 p.m.
July 25, 2019	David L. Divita Purchase of Service Issue	1 p.m.
August 7, 2019	Michael J. Goldstein Membership Issue	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,  
*Secretary*

[Pa.B. Doc. No. 19-740. Filed for public inspection May 10, 2019, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Nonprimary Location Public Input Procedures; Off-Track Wagering Petitions

The State Horse Racing Commission (Commission) provides notice that on April 30, 2019, at its regularly scheduled public meeting, it issued an Order adopting, as a temporary regulation, an amendment to its existing thoroughbred and standardbred nonprimary location (off-track wagering) (OTW) regulations found at 58 Pa. Code §§ 171.23 and 189.23 (relating to public hearing and public comment; and public input and public comment). The Commission found that its existing regulations are outdated, inconsistent and in direct conflict with

3 Pa.C.S. § 9331 (relating to pari-mutuel wagering at nonprimary locations). The Commission’s Order and temporary regulation was adopted under the authority of 3 Pa.C.S. § 9311(h) (relating to State Horse Racing Commission) and listed under Administrative Docket No. 2019-13.

The general purpose of the Order is: (1) to provide the Commission administrative and procedural options to receive written public input, oral presentations, transcripts and documents from other regulatory agencies during the course of its due diligence review of OTW Petitions; (2) to update and provide consistent procedures for the receipt and review of written public comments regarding OTW Petitions; (3) to provide for procedures for the conduct of public comment hearings, if applicable; and (4) to provide for limited intervention procedures as the Commission conducts its review of OTW Petitions. The Commission’s Order consolidates the existing OTW regulations relating to public comment and input into one uniform provision.

The Commission’s Order and Annex A will be effective upon publication in the *Pennsylvania Bulletin*. In addition, the Order and Annex A have been posted and published on the Commission’s web site and a copy may be accessed by the public at <https://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

THOMAS F. CHUCKAS, Jr.,  
*Director*  
*Bureau of Thoroughbred Horse Racing*  
*Acting Director*  
*Bureau of Standardbred Horse Racing*

[Pa.B. Doc. No. 19-741. Filed for public inspection May 10, 2019, 9:00 a.m.]

## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for a moving/rigging company for metals fabrication and welding equipment to be moved from the Greenfield Campus to the Griener Campus. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, [harmon@stevenscollege.edu](mailto:harmon@stevenscollege.edu).

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 19-742. Filed for public inspection May 10, 2019, 9:00 a.m.]

