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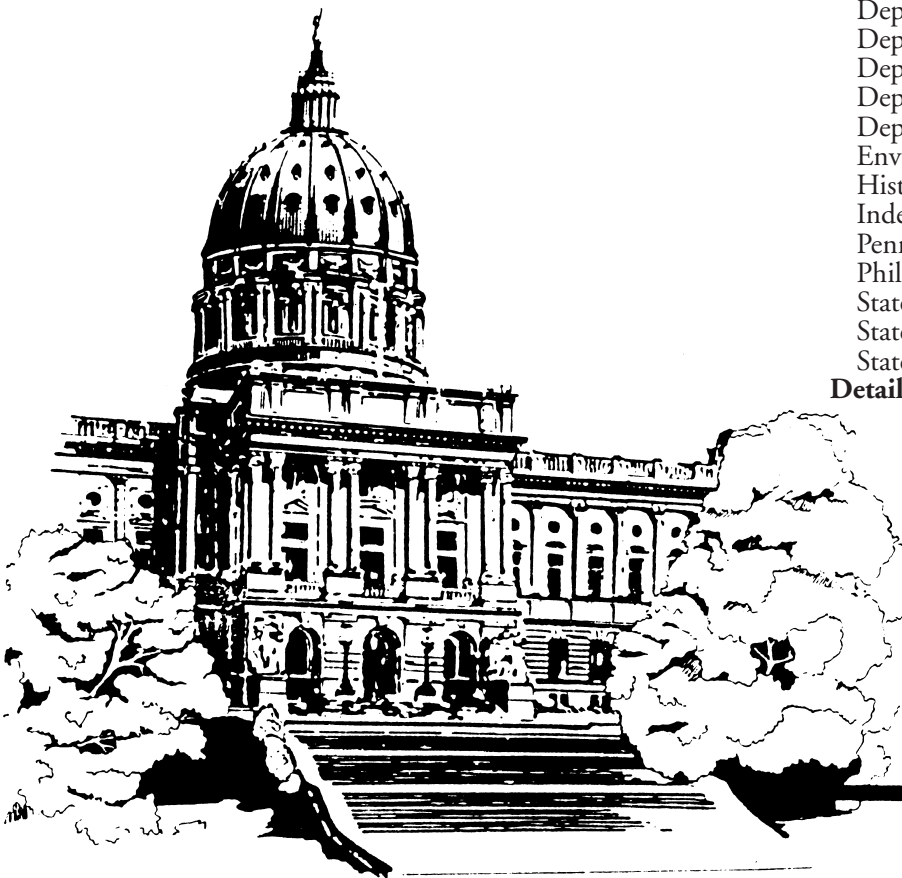
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 529, December 2018

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

A quarterly List of *Pennsylvania Code* Sections Affected lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

Court Rules in Titles 201—246 of the Pennsylvania Code

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the change is advertised.

A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years. In item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2018.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 81]

Proposed Amendments to the Pennsylvania Rules of Professional Conduct Relating to Confidentiality of Information

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Professional Conduct (“RPC”) 1.6, to authorize a lawyer to reveal confidential information otherwise protected by the rule to the extent that the lawyer reasonably believes necessary “to comply with other law or court order” and to add conforming language to the Comment to the rule. These changes are set forth in Annex A.

Rule 1.6 governs a lawyer’s disclosure of information relating to the representation of a client during the lawyer’s representation of that client. The fiduciary relationship existing between lawyer and client requires the lawyer’s preservation of confidential information, as effective representation relies upon free discussion between lawyer and client.

Paragraph (a) provides that “a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent” or the disclosure is “impliedly authorized in order to carry out the representation,” or as otherwise provided in other paragraphs of the rule.

Paragraph (b) directs that a lawyer shall reveal confidential information if necessary to comply with the lawyer’s duties of candor to the tribunal.

Paragraph (c) sets forth seven limited exceptions when a lawyer may reveal such confidential information to the extent that the lawyer believes necessary. This paragraph is discretionary and does not create a duty on the lawyer to make any disclosure. The comments to Rule 1.6 give guidance as to each of the exceptions, providing examples and explanations in order to further clarify each circumstance. However, three comments give guidance that may cause confusion to lawyers when attempting to ascertain the extent of their duties. Comment (3) states, in pertinent part, “[t]he rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law.” Comment (18) states, in pertinent part, “[o]ther law may require that a lawyer disclose information about a client. Whether such a law supersedes Rule 1.6 is a question of law beyond the scope of these Rules.” Comment (21) notes that a lawyer “[m]ay be ordered to reveal information relating to the representation of a client by a court. . .”

While these comments reference that a lawyer may be confronted by situations where disclosure of confidential information is necessary to comply with other law or court order, there is no specific authority in the black-letter rule that permits the lawyer to make disclosures prohibited by 1.6(a). Disclosure of confidential information under these circumstances may be implicitly autho-

rized,¹ but Pennsylvania lawyers should not have to face a choice between defying a court’s order or other law and violating their ethical duties to clients.

The Board proposes amending 1.6(c) to add an express exception to the lawyer’s duty of confidentiality that permits the lawyer to reveal such confidential information the lawyer believes necessary to comply with other law or court order. The Board’s intent in amending this rule is to give Pennsylvania lawyers certainty that they are not violating the ethical rules if they need to reveal information under these circumstances.

The Board proposes amending Comments (18) and (21) to conform to the proposed amendment.

We note that in 2002, the American Bar Association (“ABA”) adopted this specific exception to Model Rule 1.6, along with corresponding commentary, as part of the ABA’s Ethics 2000 Commission updates. This rule provision is currently in effect in 46 states and the District of Columbia. Historically, Pennsylvania has supported adoption of the ABA Model Rule amendments to promote consistency in application and interpretation of the rules from jurisdiction to jurisdiction, except where controlling Pennsylvania precedent or other important policy considerations justify a deviation from the Model Rule language. The within proposed amendments more closely conform the Pennsylvania Rule to ABA Model Rule 1.6 and to the rules in the vast majority of jurisdictions.

Interested persons are invited to submit written comments regarding the proposed amendments to The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before February 1, 2019.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following is the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.6. Confidentiality of Information.

(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

¹The Pennsylvania Bar Association Legal Ethics and Professional Responsibility Committee has issued opinions which conclude that there is an “implicit” or “forced” exception to RPC 1.6(a) applicable to circumstances where disclosure is mandated by an order of court or other tribunal. See Formal Opinions 2002-106 and 2010-300.

(b) A lawyer shall reveal such information if necessary to comply with the duties stated in Rule 3.3.

(c) A lawyer may reveal such information to the extent that the lawyer reasonably believes necessary:

* * * * *

(7) to detect and resolve conflicts of interest from the lawyer’s change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.

(8) to comply with other law or court order.

(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

* * * * *

Comment:

* * * * *

Detection of Conflicts of Interest

* * * * *

(18) Other law may require that a lawyer disclose information about a client. Whether such a law supercedes Rule 1.6 is a question of law beyond the scope of these Rules. When disclosure of information relating to the representation appears to be required by other law, the lawyer must discuss the matter with the client to the extent required by Rule 1.4. **If, however, the other law requires disclosure, paragraph (c)(8) permits the lawyer to make such disclosures as are necessary to comply with the law.**

* * * * *

(21) A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4. **Unless review is sought, paragraph (c)(8) permits the lawyer to comply with the court’s order.**

* * * * *

[Pa.B. Doc. No. 18-1963. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1000, 2120, 2150 AND 2170]

Proposed Amendment of Pa.R.C.P. Nos. 1006, 2130, 2156 and 2179

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1006, 2130, 2156, and 2179 governing venue in medical professional liability actions, for the reasons set forth in the accompanying explanatory

report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by February 22, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Civil Procedural Rules Committee

DAVID L. KWASS,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

Rule 1006. Venue. Change of Venue.

(a) Except as otherwise provided by subdivisions [(a.1), (b),] (b) and (c) of this rule, an action against an individual may be brought in and only in a county [in which] where

[(1) the individual may be served, or in which the cause of action arose, or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or]

(1) the individual may be served;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose;

Official Note: For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).

(4) venue is authorized by law; or

[(2)] (5) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county

in which the cause of action arose. This provision does not apply to a cause of action that arises outside the Commonwealth.

Official Note: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of “health care provider,” “medical professional liability action,” and “medical professional liability claim.”]

(b) Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

[**Official Note:** Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.]

(c) [(1) Except as otherwise provided by subdivision (c)(2), an] **An** action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

[(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1). This provision does not apply to a cause of action that arises outside the Commonwealth.]

(d)(1) For the convenience of parties and witnesses, the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) [**Where**] **If**, upon petition and hearing [**thereon**], the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing venue shall be certified [**forthwith**] to the Supreme Court, which shall designate the county to which the case is to be transferred.

Official Note: For the recusal of the judge for interest or prejudice, see Rule 2.11 of the Code of Judicial Conduct.

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions, and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a

preliminary objection to venue is sustained, and there is a county of proper venue within the State, the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f) [(1) Except as provided by subdivision (f)(2), if] **If** the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

[(2) Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).]

CHAPTER 2120. PARTNERSHIPS AS PARTIES Rule 2130. Venue.

(a) Except as otherwise provided [by Rule 1006(a.1) and] by subdivision (c) of this rule, an action against a partnership may be brought in and only in a county where [**the partnership regularly conducts business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of actions arose or in the county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.**]

(1) the partnership regularly conducts business;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose; or

(4) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[**Official Note:** Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) Except as otherwise provided by subdivision (c) of this rule, an action against a liquidator may be brought in and only in a county where [**the liquidator is liquidating the partnership business or in which the partnership last regularly conducted business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose.**]

(1) the liquidator is liquidating the partnership business;

(2) the partnership last regularly conducted business;

(3) the cause of action arose; or

(4) a transaction or occurrence took place out of which the cause of action arose.

This rule shall not apply to an action against a liquidator deriving authority under the laws of the United States.

(c) Subdivisions (a) and (b) of this rule do not restrict or affect the venue of an action

(1) against a partnership commenced by or for the attachment, seizure, garnishment, sequestration, or condemnation of real or personal property, or

(2) [**an action**] for the recovery of the possession of or the determination of the title to real or personal property.

CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES

Rule 2156. Venue.

(a) Except as otherwise provided [**by Rule 1006(a.1) and**] by subdivision (b) of this rule, an action against an association may be brought in and only in a county where [**the association regularly conducts business or any association activity, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of actions arose or in the county where the property or a part of the property which is the subject matter of the action is located provided the equitable relief is sought with respect to the property.**]

(1) the association regularly conducts business or any association activity;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose; or

(4) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[**Official Note: Rule 1006(a.1) governs venue in actions for medical professional liability.**]

(b) Subdivision (a) of this rule shall not restrict or affect the venue of an action (1) against an association commenced by or for the attachment, seizure, garnishment, sequestration, or condemnation of real or personal property, or

(2) [**an action**] for the recovery of the possession of or the determination of the title to real or personal property.

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2179. Venue.

(a) Except as otherwise provided by an Act of Assembly [, **by Rule 1006(a.1)**] or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in

(1) the county where its registered office or principal place of business is located;

(2) a county where it regularly conducts business;

(3) the county where the cause of action arose;

(4) a county where a transaction or occurrence took place out of which the cause of action arose [,] or

(5) a county where the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[**Official Note: Rule 1006(a.1) governs venue in actions for medical professional liability.**]

(b) An action upon a policy of insurance against an insurance company, association or exchange, either incorporated or organized in Pennsylvania or doing business in this Commonwealth, may be brought

(1) in a county designated in [**Subdivision**] **subdivision** (a) of this rule; [**or**]

(2) in the county where the insured property is located; or

(3) in the county where the plaintiff resides, in actions upon policies of life, accident, health, disability, and [**live stock**] **livestock** insurance or fraternal benefit certificates.

EXPLANATORY COMMENT

The Civil Procedural Rules Committee is proposing amendment of Rule 1006 to rescind subdivision (a.1), which limits venue in medical professional liability actions to the county in which the cause of action arose. The current rule provides special treatment of a particular class of defendants, which no longer appears warranted. Data compiled by the Supreme Court on case filings on medical professional liability actions (<http://www.pacourts.us/news-and-statistics/research-and-statistics/>) indicates that there has been a significant reduction in those filings for the past 15 years. Additionally, it has been reported to the Committee that this reduction has resulted in a decrease of the amount of claim payments resulting in far fewer compensated victims of medical negligence.

The proposed rescission of subdivision (a.1) is intended to restore fairness to the procedure for determining venue regardless of the type of defendant. The proposal would apply to medical professional liability actions filed after the effective date of the amended rule. Conforming and stylistic amendments have also been made to Rules 2130, 2156, and 2179.

By the Civil Procedural Rules Committee

DAVID L. KWASS,
Chair

[Pa.B. Doc. No. 18-1964. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Order Amending Rules 150 and 522 and Revising the Comment to Rule 151 of the Pennsylvania Rules of Criminal Procedure; No. 506 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of December, 2018, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 47 Pa.B. 1731 (March 25, 2017), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of

Criminal Procedure 150 and 522 are amended, and the Comment to Pennsylvania Rule of Criminal Procedure 151 is revised, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2019.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART E. Miscellaneous Warrants

Rule 150. Bench Warrants.

(A) In a court case when a bench warrant is executed, the case is to proceed in accordance with the following procedures.

(1) When a defendant or witness is arrested pursuant to a bench warrant, he or she shall be taken without unnecessary delay for a hearing on the bench warrant. The hearing shall be conducted by the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee to conduct bench warrant hearings.

(2) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.

(3) When the individual is arrested in the county of issuance, if the bench warrant hearing cannot be conducted promptly after the arrest, the defendant or witness shall be lodged in the county jail pending the hearing. The authority in charge of the county jail promptly shall notify the court that the individual is being held pursuant to the bench warrant.

(4) When the individual is arrested outside the county of issuance, the authority in charge of the county jail promptly shall notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant.

(5) The bench warrant hearing shall be conducted without unnecessary delay after the individual is lodged in the jail of the county of issuance on that bench warrant.

(a) When the bench warrant is issued by the supervising judge of a "multi-county" investigating grand jury, the individual shall be detained only until the supervising judge is available to conduct the bench warrant hearing.

(b) In all other cases, the individual shall not be detained without a bench warrant hearing on that bench warrant longer than 72 hours, or the close of the next business day if the 72 hours expires on a non-business day.

(6) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant.

(7) If a bench warrant hearing is not held within the time limits in paragraph (A)(5)(b), the bench warrant shall expire by operation of law.

(B) As used in this rule, "judicial officer" is limited to the magisterial district judge or common pleas court judge who issued the bench warrant, or the magisterial district judge or common pleas court judge designated by the president judge or by the president judge's designee to conduct bench warrant hearings, or in Philadelphia, trial commissioners **and Philadelphia Municipal Court judges**.

Comment

This rule addresses only the procedures to be followed after a bench warrant is executed, and does not apply to execution of bench warrants outside the Commonwealth, which are governed by the extradition procedures in 42 Pa.C.S. § 9101 *et seq.*, or to warrants issued in connection with probation or parole proceedings.

For the bench warrant procedures when a witness is under the age of 18 years, see Rule 151.

Paragraph (A)(2) permits the bench warrant hearing to be conducted using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. *See* Rule 103. Utilizing this technology will aid the court in complying with this rule, and in ensuring individuals arrested on bench warrants are not detained unnecessarily.

Once a bench warrant is executed and the defendant is taken into custody, the bench warrant no longer is valid.

To ensure compliance with the prompt bench warrant hearing requirement, the president judge or the president judge's designee may designate only a magisterial district judge to cover for magisterial district judges or a common pleas court judge to cover for common pleas court judges. *See also* Rule 132 for the temporary assignment of magisterial district judges. In Philadelphia, the current practice of designating trial commissioners **and Philadelphia Municipal Court judges** to conduct bench warrant hearings is acknowledged in paragraph (B).

It is expected that the practices in some judicial districts of a common pleas court judge (1) indicating on a bench warrant the judge has issued that the bench warrant is a "judge only" bench warrant, or (2) who knows he or she will be unavailable asking another common pleas court judge to handle his or her cases during the common pleas court judge's absence, would continue.

Paragraph (A)(5)(a) recognizes the procedural and substantive differences between "multi-county" investigating grand jury proceedings and all other proceedings in the court of common pleas, including a county investigating grand jury, by eliminating the time limit for conducting the bench warrant hearing when the bench warrant is issued by the multi-county investigating grand jury supervising judge. *See* Rules 240—244 and 42 Pa.C.S. § 4544. When the supervising judge issues a bench warrant, the bench warrant hearing must be conducted expeditiously when the supervising judge is available.

Paragraph (A)(6) requires the judicial officer to vacate the bench warrant at the conclusion of the bench warrant hearing. The current practice in some judicial districts of having the clerk of courts cancel the bench warrant upon receipt of a return of service is consistent with this paragraph, as long as the clerk of courts promptly provides notice of the return of service to the issuing judge.

It is incumbent upon the president judge or the president judge's designee to establish procedures for the monitoring of the time individuals are detained pending their bench warrant hearing.

For the procedures concerning violation of the conditions of bail, see Chapter 5 Part C.

As used in this rule, "court" includes magisterial district judge courts.

For the bench warrant procedures in summary cases, see Rules 430(B) and 431(C).

For procedures for the detention of witnesses, see Rule 522.

For the arrest warrants that initiate proceedings in court cases, see Chapter 5, Part B(3)(a), Rules 513, 514, 515, 516, 517, and 518. For the arrest warrants that initiate proceedings in summary cases, see Chapter 4, Part D(1), Rules 430(A) and 431(B).

Official Note: Adopted December 30, 2005, effective August 1, 2006; Comment revised October 24, 2013, effective January 1, 2014; **amended December 7, 2018, effective April 1, 2019.**

Committee Explanatory Reports:

Final Report explaining new Rule 150 providing procedures for bench warrants published with the Court's Order at 36 Pa.B. 184 (January 14, 2006).

Final Report explaining the October 24, 2013 Comment revision adding a cross-reference to new Rule 151 published with the Court's Order at 43 Pa.B. 6654 (November 9, 2013).

Final Report explaining the December 7, 2018 amendment regarding procedures for the detention of witnesses pursuant to Rule 522 published with the Court's Order at 48 Pa.B. 7749 (December 22, 2018).

Rule 151. Bench Warrant Procedures When Witness is Under Age of 18 Years.

(A) In a court case when a bench warrant for a witness under the age of 18 years is executed, except as provided in this rule, the case is to proceed in accordance with the procedures in Rule 150.

(B) Upon execution of the warrant for a minor witness, the arresting officer immediately shall inform the proper judicial officer and a parent or guardian of the minor witness of the arrest of the minor witness.

(C) *Execution of Bench Warrant in County of Issuance*

(1) If the judicial officer who issued the bench warrant, or another judicial officer designated by the president judge or by the president judge's designee, is not available to conduct the bench warrant hearing without unnecessary delay, the minor witness shall be taken before the on-call judge of the court of common pleas.

(a) The on-call judge shall determine whether to release the witness or to detain the witness pending the bench warrant hearing. If the bench warrant specifically orders detention of the minor witness, the on-call judge shall not release the witness.

(b) If the on-call judge determines the witness must be detained, the witness shall be detained in a detention facility. The on-call judge shall notify the parent or guardian of the minor witness of the detention.

(2) The minor witness shall not be detained without a bench warrant hearing on that bench warrant longer than 24 hours, or the close of the next business day if the 24 hours expires on a non-business day.

(D) *Execution of Bench Warrant Outside County of Issuance*

(1) The minor witness shall be taken before a common pleas court judge of the county of arrest without unnecessary delay and in no case later than the end of the next business day.

(2) The judge shall identify the minor witness as the subject of the bench warrant, decide whether detention as a minor witness is necessary, and order that arrange-

ments be made immediately to transport the minor witness to the county of issuance.

(3) If transportation cannot be arranged immediately, the minor witness shall be released unless the bench warrant specifically orders detention of the witness. In this case, the minor witness shall be detained in an out-of-county detention facility.

(4) If detention is ordered, the minor witness shall be brought to the county of issuance within 72 hours from the execution of the bench warrant.

(5) If the time requirements of this paragraph are not met, the minor witness shall be released.

Comment

This rule was adopted in 2013 to establish the procedures when a witness subject to a bench warrant is under the age of 18. The procedures following the execution of a bench warrant set forth in Rule 150 apply to cases when the witness is under the age of 18, except as otherwise provided in this rule.

Paragraph (B) ensures that the judicial officer who issued the bench warrant is aware that the minor witness has been arrested, and that a parent or guardian of the arrested minor witness is notified of the arrest.

The procedures in paragraph (C) for cases in which the bench warrant is executed in the county of issuance, recognize the need, when the issuing judicial officer is unavailable, to conduct the bench warrant hearing, for the common pleas court judge who is on call to determine whether a minor witness may be released or must be detained. If the minor witness is detained, the bench warrant hearing must be held no later than the end of the next business day. If the bench warrant hearing is not conducted within this time period, the minor witness must be released.

The minor witness may not be detained in an adult facility pending a bench warrant hearing.

In cases in which the bench warrant is executed outside the county of issuance, the minor witness must be transported to the county of issuance within 72 hours of the execution of the bench warrant, and the bench warrant hearing must be conducted by the end of the next business day.

As used in this rule, "minor witness" means a witness who is under the age of 18 years, and "proper judicial officer" means the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee.

When a witness under the age of 18 years is to be detained pursuant to Rule 522, the procedures in this rule are applicable.

Official Note: Adopted October 24, 2013, effective January 1, 2014; **Comment revised December 7, 2018, effective April 1, 2019.**

Committee Explanatory Reports:

Final Report explaining the October 24, 2013 adoption of new Rule 151 providing procedures for bench warrants when a witness is under the age of 18 published with the Court's Order at 43 Pa.B. 6655 (November 9, 2013).

Final Report explaining the December 7, 2018 Comment revision regarding procedures for the detention of witnesses pursuant to Rule 522 published with the Court's Order at 48 Pa.B. 7749 (December 22, 2018).

**CHAPTER 5. PRETRIAL
PROCEDURES IN COURT CASES**

PART C. Bail

Rule 522. Detention of Witnesses.

(A) After an accused has been arrested for any offense, upon application of the attorney for the Commonwealth or defense counsel, and subject to the provisions of this chapter, a court may set bail for any material witness named in the application. The application shall be supported by an affidavit setting forth adequate cause for the court to conclude that the witness will fail to appear when required if not held in custody or released on bail. Upon receipt of the application, the court may issue process to bring any named witnesses before it for the purpose of demanding bail.

(B) If the material witness is unable to satisfy the conditions of the bail bond after having been given immediate and reasonable opportunity to do so, the court shall commit the witness to jail, provided that at any time thereafter and prior to the term of court for which the witness is being held, the court shall release the witness when the witness satisfies the conditions of the bail bond.

(C) Upon application, a court may release a witness from custody with or without bond, or grant other appropriate relief.

(D) If process has been issued pursuant to paragraph (A) for a material witness who is under the age of 18 years, the procedures provided in Rule 151 shall apply.

Comment

This rule does not permit a witness to be detained prior to the arrest of the defendant, since an arrest might never take place and the witness could be held indefinitely.

“Conditions of the bail bond” as used in this rule include the conditions set forth in Rule 526(A) and the conditions of release defined in Rules 524, 527, and 528.

Pursuant to paragraph (C), a witness may be released on his or her own recognizance conditioned upon the witness’ written agreement to appear as required. See Rule 524.

This rule does not affect the compensation and expenses of witnesses under the Judicial Code, 42 Pa.C.S. § 5903, or the provisions of the Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings. See 42 Pa.C.S. §§ 5963(c) and 5964(b) relating to bail.

In cases in which bail is set for a material witness pursuant to this rule, the court should consider all the types of release permitted in Rule 524 and the conditions of nonmonetary release upon bail available under Rule 527. When a material witness is to be detained, the court should impose the least restrictive means of assuring that witness’ presence, including the use of release on the witness’ own recognizance or release upon other nonmonetary conditions, such as electronic monitoring, especially when the witness has limited financial means to post monetary bail.

Official Note: Former Rule 4017, previously Rule 4014, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4017 July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 522. Present Rule

4017 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 522 and amended March 1, 2000, effective April 1, 2001; Comment revised April 28, 2006, effective August 1, 2006; **amended December 7, 2018, effective April 1, 2019.**

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with Court’s Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the April 28, 2006 revision to the Comment concerning electronic monitoring published with the Court’s Order at 36 Pa.B. 2279 (May 13, 2006).

Final Report explaining the December 7, 2018 amendments concerning material witnesses under the age of 18 years published with the Court’s Order at 48 Pa.B. 7749 (December 22, 2018).

FINAL REPORT¹

***Amendment of Pa.Rs.Crim.P. 150 and 522 and
Revision of the Comment to Pa.R.Crim.P. 151***

Material Witness Under 18 Taken Into Custody

On December 7, 2018, effective April 1, 2019, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 150 (Bench Warrants) and 522 (Detention of Witnesses) and revised the Comment to Rule 151 (Bench Warrant Procedures When Witness is under Age of 18 Years) to clarify that the bench warrant procedures in Rule 151 are applicable to the situation when a material witness who is under the age of 18 is to be taken into custody.

The Committee was posed with the question of what should be done when a material witness who is taken into custody pursuant to Rule 522 is under the age of 18. Rule 522 (Detention of Witnesses) provides procedures for restricting the liberty of a material witness when there is cause to believe the witness will not appear for trial. The rule provides that, upon application of the Commonwealth or defense counsel, a court may set bail for a witness who likely is not to appear to testify. Process may be issued to bring the witness before the court for purposes of demanding bail. Paragraph (B) of the rule provides that, if the witness cannot satisfy the conditions of bail, the witness may be committed to jail but must have the opportunity to post bail at any time.

Rule 151 (Bench Warrant Procedures When Witness is Under Age of 18 Years) was developed in 2013 to provide procedures for bench warrants issued to minor witnesses who failed to respond to a subpoena. This was based on Rule of Juvenile Court Procedure 140 (Bench Warrants for Failure to Appear at Hearings) and was intended to address the various issues that arise when a person under the age of 18 is taken into custody. Rule 151 includes required notice to the issuing authority and parents or guardians as well as procedures to ensure early judicial review for an under-18 witness who is being held. See 43 Pa.B. 6655 (November 9, 2013).

¹ The Committee’s Final Reports should not be confused with the official Committee Comments to the rules. Also, note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.

The Committee concluded that the same protections should apply for those under-18 determined to be reluctant material witnesses as is provided for under-18 witnesses who have failed to respond to subpoenas. Therefore, a new paragraph (D) has been added to Rule 522 that states that the Rule 151 procedures apply in these circumstances. A revision to the Comment to Rule 151 similarly states that the procedures in Rule 151 apply to an under-18 witness being detained pursuant to Rule 522. Additionally, a cross-reference to Rule 522 has been to the Rule 150 (Bench Warrants) Comment.

During the Committee's discussion, it was noted that the practice in Philadelphia was for bench warrant hearings to be conducted by Philadelphia Municipal Court judges in addition to being held by Philadelphia trial commissioners. This has been clarified by an amendment to paragraph (B) of Rule 150 and by a revision to the Comment.

[Pa.B. Doc. No. 18-1965. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules; Amendments to Local Civil Rules; No. 10020 of 2018

Administrative Order

The following amendments to the Beaver County Local Rules of Civil Procedure are hereby adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is hereby Ordered and Directed that the following Local Rules of Civil Procedure be added/amended as follows:

LR205.2(b). Cover Sheet.

(1) *Complaint/initial pleading*

In addition to the state required cover sheet, a complaint or initial pleading shall be accompanied by a Beaver County cover sheet. The cover sheet shall be in the form set forth below:

Court of Common Pleas of Beaver County

Civil Division

For Prothonotary Use Only (Docket Number)

Civil Cover Sheet

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
	DEFENDANT'S NAME
	DEFENDANT'S ADDRESS

TOTAL NO. OF PLAINTIFF	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION	
		<input type="checkbox"/> Complaint	<input type="checkbox"/> Notice of Appeal
		<input type="checkbox"/> Writ of Summons	<input type="checkbox"/> Transfer from Other Jurisdictions

AMOUNT IN CONTROVERSY <input type="checkbox"/> \$25,000 or less <input type="checkbox"/> Over \$25,000	CASE TYPE <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Medical Malpractice Judgment <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Other : _____	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Partition
		<input type="checkbox"/> Ejectment	<input type="checkbox"/> Declaratory
ARBITRATION CASE <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> Replevin
		<input type="checkbox"/> Quiet Title	<input type="checkbox"/> Asbestos
			<input type="checkbox"/> Domestic Relations <input type="checkbox"/> Divorce <input type="checkbox"/> Custody

TO THE PROTHONOTARY:		
NAME OF PLAINTIFF'S/PETITIONER/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT):		ADDRESS (SEE INSTRUCTIONS)
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS
SIGNATURE	SUPREME COURT IDENTIFICATION NO	DATE

The cover sheet shall also be published on the Court website, www.beavercountypa.gov

(2) *Subsequent pleadings*

All subsequent pleadings shall be accompanied by a cover sheet in the form as published on the Court website, www.beavercountypa.gov

* * * * *

LR212.1. Civil Actions. Certification for Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

The following rule shall apply to only those civil actions filed prior to January 1, 2019 (any actions filed on that date or thereafter shall be governed by LR301—pertaining to civil case management):

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

Note: This provision is intended to constitute the Notice Required by Pa.R.C.P. No. 212.1(a).

B.(1) A civil action shall be certified for trial by jury, judge or board of arbitration, by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L208.3(a) has been given.

Note: The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pre-trial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4).

* * * * *

LR212.2A. Pre-Trial Conference and Pre-Trial Statements.

A. Unless otherwise directed by the court, a Pre-Trial Conference shall be scheduled by the Court Administrator for every case certified for jury trial, or by the Court in a case management order. Pre-Trial Conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) Prior to the Pre-Trial Conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose.

(2) Pre-Trial statements which comply with Pa.R.C.P. No. 212. Shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than seven (7) days prior thereto. Failure to file a timely pre-trial statement may result in continuance of the Pre-Trial Conference and sanctions in the form of counsel fees payable to opposing counsel. In addition, to the requirements of Pa.R.C.P. No. 212.2, the Pre-Trial Statement shall contain:

(a) A statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority;

(b) An itemized statement of all medical and hospital and other bills and expenses claimed;

(c) An itemized statement of lost earnings and impairment of earning power together with the basis therefore;

(d) A statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included;

Note: Although Pa.R.C.P. No. 212.2(a)(5) requires the inclusion of an expert report or proper answer to interrogatory, and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records, nor illegible office notes, are to be included.

(e) All trial exhibits are to be marked for identification but need not be attached to the Pre-Trial Statement.

(3) Unless excused by the court upon cause shown, the Pre-Trial Conference shall be attended by trial counsel as

well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the MCARE Fund and any defendant whose personal approval of a settlement offer is required and has not been given.

Note: Where a liability insurance carrier, the MCARE Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court will probably excuse attendance at the Pre-Trial Conference. All requests to be excused should be by formal motion setting forth the reasons for the request and shall be presented in accordance with LR208.3(a).

If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanction may be imposed.

(4) After the Pre-Trial Conference has concluded, no Supplemental Pre-Trial Statement may be filed without leave of court for cause shown.

* * * * *

CIVIL CASE MANAGEMENT

LR301. Initial Case Management Conference.

The Court shall hold civil case management conferences for all civil matters (excluding those set forth in subsection (3) below), one day per month as shall be designated in the Court calendar.

The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in civil matters:

(1) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.

(2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the third month following the month of the initial case filing, on a date set forth in the Court calendar.

a. Initial case filings shall include appeals from civil judgments of the Magisterial District Courts, appeals from compulsory arbitration and those cases initiated by Writs of Summons.

Note: Cases originally filed in compulsory arbitration shall not automatically be scheduled for a case management conference pursuant to subsection (3) below. However, appeals from compulsory arbitration will be treated as an initial case filing for purposes of civil case management and will be scheduled for a case management conference by the Prothonotary at the time of the filing of the appeal. Parties in this circumstance may wish to move the Court for a case management conference sooner (see LR212.2B) since fact discovery will presumably have been completed by this time.

(3) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

- a. Actions in mortgage foreclosure;
- b. Actions subject to compulsory arbitration;
- c. Actions pursuant to protection from abuse;
- d. Actions for support;
- e. Actions for custody, partial custody, and visitation of minor children;
- f. Actions of divorce or annulment of marriage; and

g. Real estate assessment appeals.

(4) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 301A and shall set forth the general nature of the case, whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, amenability of the parties to alternative dispute resolution and a proposed date for a pre-trial conference;

b. If the case was initiated by a Writ of Summons or is an appeal from a civil judgment of the Magisterial District Courts to which a complaint has not yet been filed, the party shall notify the Court whether the party intends to file a complaint within 90 days from the date of the conference.

Note: While there is no formal local rule pertaining to mechanisms for alternative dispute resolution (ADR), in the Court's experience, parties often agree to case mediation, binding or non-binding private arbitration, high/low agreements or binding 6-member jury trials, all of which have been successful in resolving cases. The Court encourages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

(5) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions, the exchange of expert reports, the scheduling of alternative dispute resolution (if applicable) and shall place the case on a list for a pre-trial conference.

a. In matters it deems complex or otherwise in its sole discretion, the Court may defer setting a deadline on any of the items set forth in subsection (5) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.

b. If the case was not initiated as one subject to compulsory arbitration but the Court determines at the time of the conference that it should have been filed as such, the Court may order the case to proceed through arbitration and schedule the arbitration hearing at that time.

c. If the case is one initiated by a Writ of Summons to which a complaint has not yet been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

d. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has been filed, the Court may schedule the case for arbitration, or it may, in its discretion, schedule a review conference at a later time.

e. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has not been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court

deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

(6) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (4) may result in sanctions, at the discretion of the Court including, but not limited to:

a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing, See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

c. Any other sanction the Court deems appropriate.

(7) Nothing in this section shall be construed as to prevent either party from presenting a motion requesting a case management conference or from the Court sua sponte doing so, pursuant to LR212.2B, such that the Court may enter a new or amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

FORM 301A

(CAPTION)

LR301 CIVIL CASE SUMMARY

NATURE OF THE CASE

1. Please set forth the general nature of the case:

PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS

2. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case? Yes ____ No ____

If yes, please provide more detail:

SUGGESTED DATES

3. Set forth suggested dates for the following:

Date by which fact discovery should be completed:

Date by which expert reports should be exchanged:

Dates by which dispositive motions and responses thereto should be filed:

Dates proposed for pre-trial conference:

WRIT OF SUMMONS/MDJ APPEAL

4. Is this a case which has either been initiated by a Writ of Summons or is an appeal of a civil judgment from the Magisterial District Courts and a complaint has not yet been filed? Yes ____ No ____

If so, does the Plaintiff anticipate filing a complaint within 90 days of the case management conference? Yes ____ No ____

ADR

5. Are you interested in attempting to resolve this case by a method of alternative dispute resolution? Yes ____ No ____

a. If yes, select one or more of the following:

- Mediation [] Arbitration []
Binding 6-Member Jury Panel []

* * * * *

LR1028(c). Procedures for Disposition of Preliminary Objections.

Except as otherwise permitted by Order of Court for cause shown or by agreement of the parties by filed stipulation, Preliminary Objections shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed 10 pages in length. Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

(1) A Praeceptum for Argument form can be secured from the Prothonotary. The original must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the preliminary objections.

(2) Upon receipt of a copy of the Praeceptum for Argument and the preliminary objection, the Court Administrator shall place the case on a list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

(3) Where preliminary objections raise an issue under Pa.R.C.P. 1028(a)(1), (5), (6), (7) or (8), the filing party shall first present a Motion for a Scheduling Order in Civil Motions Court, along with a copy of the preliminary objections which the party intends to file attached as an exhibit and accompanied by an Order in substantially the following form:

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the foregoing Motion for a Scheduling Order, it is hereby ordered that:

(1) The attached preliminary objections shall be filed by the moving party, endorsed with a notice to plead, within ____ days of this Order;

(2) Non-moving parties shall file response(s) to the preliminary objections, if required, within ____ days of this Order;

(3) All discovery related to the issues raised in the preliminary objections shall be completed by _____;

(4) Any evidence that the parties wish the court to consider shall be filed with the Prothonotary by _____;

(5) The moving party shall file a Praeceptum for Argument with the Court Administrator after the expiration of the discovery period, but no later than _____ .;

(5A) Alternatively, argument shall be held on _____, _____ at ___ : ___ in Courtroom ___ of the Beaver County Courthouse;

(6) The brief of the moving party shall be filed by _____ and any response briefs shall be filed by _____; and

(7) Notice of the entry of this order shall be provided to all other parties by the moving party.

BY THE COURT

J.

At the time of the presentation of the motion, the Court shall issue a scheduling Order in accordance with the proposed Order set forth above. Failure of a party to comply with this subsection may result in sanctions.

(4) The briefing schedule is governed by LR211C unless otherwise ordered by the court.

* * * * *

LR1301E. Discovery.

Discovery in Compulsory Arbitration cases subject to these rules shall be governed by LR4011 and shall be completed on the last business day of the fourth month after the month of the initial filing, unless leave of court for an extension of time is secured for cause shown.

* * * * *

LR1302E. Scheduling of Cases.

(a) All cases subject to Compulsory Arbitration, shall be scheduled for hearing on the arbitration date for the sixth month after the month of the initial case filing.

(b) Upon the initial filing of a case subject to Compulsory Arbitration, the Prothonotary shall issue an Arbitration Order setting forth the deadline for discovery and the Arbitration hearing date. The filing party shall serve a copy of the Arbitration Order with the initial filing and shall deliver a copy of the Arbitration Order to the Court Administrator.

(c) All requests for a continuance with good cause shown must be submitted to and approved by the Court to a date to be selected by the Court Administrator. Copies of all hearing notices shall be filed with proof of mailing.

(d) The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give written notice of the hearing date to counsel for all parties and to pro se litigants at least forty-five (45) days prior to the scheduled hearing date.

(e) When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be grounds to continue the hearing.

(f) If the case is initiated by Writ of Summons and no Complaint has been filed as of the time of the scheduled arbitration hearing, the Arbitration panel shall refer the case to the Civil Administrative judge for ruling.

(g) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

* * * * *

LR4011. Limitation of Scope of Written Discovery and Deposition.

A. Written discovery in all civil cases shall be limited to 30 written interrogatories, 10 requests for admission, and 15 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown and except in those cases governed by Pa.R.C.P. 1930.5 (domestic relations matters) and personal injury claims under LR1301A et.seq. (compulsory arbitration).

B. In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule LR1301A et seq. (compulsory arbitration) shall be limited in personal injury claims to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown. In cases governed by Rule LR1301A et seq. (compulsory arbitration) which do not involve personal injury claims, discovery shall be governed by LR4011A and LR4011C.

C. In order to avoid unreasonable annoyance or expense, unless otherwise ordered by the Court for cause shown, or by agreement of the parties, discovery depositions shall be limited to 1 1/2 hours in length with an additional 1/2 hour per each additional party. The total accumulated time allotted each side for all discovery depositions shall not exceed five (5) hours.

* * * * *

The District Court Administrator is directed to:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts;

2. Submit two (2) certified copies of this Administrative Order and a copy on computer diskette or CD-ROM containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Submit one (1) certified copy of this Administrative Order to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

4. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <http://www.beavercountypa.gov/Depts/Courts/CCP/Pages/LocalRules.aspx>, after publication in the *Pennsylvania Bulletin*;

5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary of Beaver County; and

6. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANCINI,
President Judge

[Pa.B. Doc. No. 18-1966. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Appointment of Orphans' Court Master; MsD No. 2 of 2017

Administrative Order of Court

And Now, this 3rd day of December, 2018, upon its own motion, the Court hereby vacates the Administrative Order of Court entered on October 7, 2017 in which a master in Orphans' Court was appointed.

It is further ordered that this Administrative Order shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that in accordance with Pa.R.J.A. 103 that the District Court Administrator shall:

- (a) File one copy hereof with the Administrative Office of Pennsylvania Courts,
- (b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,
- (c) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.
- (d) Publish this Administrative Order on the Butler County Court website.
- (e) File a copy of the Administrative Order in the Butler County office of the Clerk of the Orphans' Court for inspection and copying.

By the Court

WILLIAM R. SHAFFER,
Administrative Judge

[Pa.B. Doc. No. 18-1967. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 5th day of December, 2018, Dauphin County Local Rule of Criminal Procedure 576.1 is promulgated as follows:

Rule 576.1. Electronic Filing in Criminal Dockets.

A. The Dauphin County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Dauphin County for certain criminal filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.Crim.P. 576.1. Electronic filing is permissive and not mandatory.

B. *Legal Papers Defined*. "legal papers" shall include all written motions, written answers and any notices or

documents for which filing is required or permitted, including orders, exhibits and attachments, except for the following:

- (1) Applications for search warrants;
- (2) Applications for arrest warrants;
- (3) Grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
- (4) Submissions filed *ex parte* as authorized by law, and
- (5) Submissions filed or authorized to be filed under seal.

C. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

D. Applicable filing fees for the electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.

E. A party who was granted *In Forma Pauperis* status shall not pay filing fees to the Clerk of Courts.

F. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

G. The Clerk of Courts Office shall convert legal papers in paper format to an electronic PDF or PDF-A version except for those listed in Rule 576.1(B). Once converted to PDF or PDF-A, the PDF or PDF-A version shall be deemed to be the original legal paper and shall be used as such for all purposes. The Clerk of Courts or the Court is not required to maintain a hard copy of any legal paper filed electronically.

H. *Service of Legal Papers*.

(a) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(b) Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P. 576. Specifically, the following offices must be served in accordance with Rule 576: Sheriff, Probation Services, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

This rule shall be effective thirty (30) days from date of publication.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 18-1968. Filed for public inspection December 21, 2018, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2019; No. 508 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 5th day of December, 2018, the emergency duty assignment for the year 2019, is herewith adopted.

January	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
February	Justice Max Baer Justice Kevin Dougherty	(Eastern District) (Western District)
March	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
April	Justice David Wecht Justice Debra Todd	(Eastern District) (Western District)
May	Justice Kevin Dougherty Justice Max Baer	(Eastern District) (Western District)
June	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)
July	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
August	Justice Max Baer Justice Kevin Dougherty	(Eastern District) (Western District)
September	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
October	Justice David Wecht Justice Debra Todd	(Eastern District) (Western District)
November	Justice Kevin Dougherty Justice Max Baer	(Eastern District) (Western District)
December	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)

[Pa.B. Doc. No. 18-1969. Filed for public inspection December 21, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 17—CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 45]

Conservation of Pennsylvania Native Wild Plants

The Department of Conservation and Natural Resources (Department) amends Chapter 45 (relating to conservation of Pennsylvania native wild plants) to read as set forth in Annex A.

A. *Effective Date*

This final-form rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

The primary contact for questions regarding this final-form rulemaking is Rebecca H. Bowen, Chief, Ecological Services, Bureau of Forestry, Department of Conservation and Natural Resources, P.O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-3444, rebbowen@pa.gov. The secondary contact for questions regarding this final-form rulemaking is Stephen Ekema-Agbaw, Assistant Counsel, Office of Chief Counsel, Department of Conservation and Natural Resources, P.O. Box 8767, Harrisburg, PA 17105, (717) 772-4171, sekema@pa.gov.

C. *Statutory Authority*

This final-form rulemaking is authorized under section 7 of the Wild Resource Conservation Act (WRCA) (32 P.S. § 5307) and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (CNRA) (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Section 7(a) of the WRCA provides that “the [former] Department of Environmental Resources shall. . .conduct investigations on wild plants in order to ascertain information relating to. . .other biological and ecological data to classify plants and to determine management measures necessary for their continued ability to sustain themselves successfully.” Under section 7(c) of the WRCA, “[o]n the basis of such determinations, the Environmental Quality Board shall issue regulations not later than 2 years from the effective date of” the WRCA. Under section 7(c) of the WRCA, “[t]he Environmental Quality Board may add or delete species as conditions change and may modify regulations to reflect the changing environment.”

Section 305(a)(9) of the CNRA transferred to the Department “the powers and duties vested in the Department of Environmental Resources by the. . .Wild Resource Conservation Act.” The former Department of Environmental Resources was the Department’s predecessor in this interest. Section 313(g) of the CNRA transferred to the Department “the powers and duties previously vested in the Environmental Quality Board by. . .[s]ections 7, 8 and 9” of the WRCA.

D. *Purpose and Background*

Purpose

This final-form rulemaking amends Chapter 45 by updating: 1) the classification lists of native wild plants; 2) the scientific and common names of certain native wild

plants; and 3) the reference source that the Department uses for the names of native wild plants.

Regarding updates to the classification lists of native wild plants, this final-form rulemaking amends the following classification lists: Pennsylvania Extirpated (§ 45.11); Pennsylvania Endangered (§ 45.12); Pennsylvania Threatened (§ 45.13); Pennsylvania Rare (§ 45.14); and Tentatively Undetermined (§ 45.21).

This final-form rulemaking amends the classification lists by: 1) adding plants that are currently unclassified to a classification list; 2) reclassifying plants already on a classification list to a new classification; and 3) removing plants from the classification lists altogether (declassifying them).

Process of classifying native wild plants in this Commonwealth

Native wild plant species are those plant species that existed in this Commonwealth prior to European settlement. There are approximately 2,800 native wild plant species that currently exist or formerly existed in this Commonwealth. The Department classifies approximately 1/5 of these species because they are a conservation concern; the other 4/5 are considered secure and thus not classified.

The Department begins the process of classifying native wild plants by collecting and analyzing data on native wild plant species in this Commonwealth. The Department uses the following data to make its classification decisions: numbers of populations known in this Commonwealth; number of individuals within populations; the plant’s range (amount of ground that it covers); threats such as pests, invasive species and habitat loss; decrease or increase in population numbers; and taxonomic information. The previous list is not exhaustive. The Department analyzes this data to determine the population, distribution, habitat needs, limiting factors, and other biological and ecological information about each plant species.

An important piece of data that the Department uses to make classification decisions are referred to as “State ranks.” In this Commonwealth, each plant species receives a State rank from the Pennsylvania Natural Heritage Program (PNHP). The PNHP assigns these ranks based on a methodology created by Nature Serve, an international network of natural heritage programs. The purpose of Nature Serve’s methodology is to bring consistency to the biodiversity conservation efforts of individuals and organizations throughout the Western Hemisphere. This methodology is used across North America, Central America and South America. By using this standard tool, the Department ensures its evaluation methods are, at a minimum, equivalent to that of other states and countries in the Western Hemisphere and that its classification decisions are based on sound science.

Throughout this process the Department also receives data, information and recommendations from the Pennsylvania Biological Survey’s Vascular Plant Technical Committee (Committee). The Committee is composed of professional botanists working throughout this Commonwealth in academic, consulting, governmental and conservation organizations. Each year, the Committee makes classification recommendations for native wild plants based on the research and expertise of its professional botanists.

The Department assimilates and reviews all data and recommendations it collects and receives, and determines the appropriate classifications for each native wild plant species under the definitions in Chapter 45.

Native wild plant classifications

Under section 7(a) of the WRCA, how plants are classified determines the “management measures necessary for their continued ability to sustain themselves successfully.” Native wild plant species that are at risk of extinction in this Commonwealth need greater protection than those less susceptible to this risk. Chapter 45 designates the level of risk facing native wild plant species in this Commonwealth by classifying them as follows:

Pennsylvania Extirpated (§ 45.11)—A classification of plant species believed to be extinct in this Commonwealth. If a plant species classified as Pennsylvania Extirpated is later found to exist in this Commonwealth it will automatically be considered classified as Pennsylvania Endangered.

Pennsylvania Endangered (§ 45.12)—A classification of plant species that are in danger of extinction throughout most or all of their natural range in this Commonwealth if critical habitat is not maintained or if the species is greatly exploited by man. This classification also includes populations of plant species that have been classified as Pennsylvania Extirpated but are subsequently found to exist in this Commonwealth.

Pennsylvania Threatened (§ 45.13)—A classification of plant species that may become endangered throughout most or all of their natural range in this Commonwealth if critical habitat is not maintained to prevent their further decline, or if the species is greatly exploited by man.

Pennsylvania Rare (§ 45.14)—A classification of plant species that are uncommon in this Commonwealth because they have low population numbers or are only found in restricted geographic areas.

Pennsylvania Vulnerable (§ 45.15)—A classification of plant species that are in danger of population decline in this Commonwealth because of their beauty, economic value, use as a cultivar or other factors which indicate that persons may seek to remove these species from their native habitats.

Special Concern Population (§ 45.20)—A classification of plant species that the Department has determined to be a unique occurrence deserving protection. Among the factors used to classify a plant species as a Special Concern Population are the existence of unusual geographic locations, unisexual populations or extraordinarily diverse plant populations.

Tentatively Undetermined (§ 45.21)—A classification of plant species that are in danger of population decline but do not meet the criteria for any other classification due to taxonomic uncertainties, limited historical records or insufficient data.

Updating species nomenclature

This final-form rulemaking updates the scientific and common names of certain native wild plant species to conform to the Department’s new taxonomic source material.

The current nomenclature used to identify species taxonomy in Chapter 45 comes from John T. Kartesz’s 1980 publication, *A Synonymized Checklist of the Vascular Flora of the United States, Canada and Greenland*,

Volume 2: The Biota of North America. The Department now uses *The Plants of Pennsylvania Second Edition* (2007) by Ann Fowler Rhoads and Timothy A. Block as a reference. This final-form rulemaking updates the reference to reflect the most up-to-date information on native wild plants in this Commonwealth. This necessitates an update to the scientific and common names in Chapter 45 to remain consistent with the new source material. Additionally, this rulemaking corrects minor grammatical errors and misspellings of species names.

Pennsylvania Natural Diversity Inventory

The amendments will be incorporated into the Pennsylvania Natural Diversity Inventory (PNDI).

The PNDI is a database that maintains the Department’s list of native wild plant classifications, as well as native rare wildlife classifications from the Game Commission, the Fish and Boat Commission and the United States Fish and Wildlife Service. The PNDI provides the most current, reliable and objective scientific information about ecological resources in this Commonwealth and it is used to help inform environmental decisions in the Commonwealth. Most notably, the Department of Environmental Protection (DEP) uses the PNDI to inform its environmental permitting decisions.

The overwhelming majority of users use the PNDI as part of the process of obtaining a DEP permit. The DEP requires permit applicants to screen their land use projects through the PNDI for potential impacts to threatened or endangered species to receive a DEP permit; threatened and endangered plant species are thereby protected by the DEP’s permitting process.

Although this final-form rulemaking will result in updates to the plant data in the PNDI, this final-form rulemaking will not affect the DEP’s permitting process. The process of obtaining a DEP permit is beyond the scope of this final-form rulemaking. Instead, the PNDI’s connection to this final-form rulemaking is limited to its use of the plant data that will result from the amendments. No person, business, small business or organization will be required to invest in additional administrative procedures as a direct result of this final-form rulemaking.

Finally, because this final-form rulemaking will remove more species from classifications than it adds, there may be fewer classified plant species for prospective DEP permit applicants to account for when applying to obtain DEP permits. Depending on the project type, location and classified plant species in question, prospective DEP permit applicants may see no change in the amount of mitigation required to address impacts to threatened and endangered species and fulfil permit requirements.

E. Response to Comments

The Department published notice of the proposed rulemaking at 47 Pa.B. 7210 (November 25, 2017), with a 30-day public comment period. The Department received 14 comments from the public, two of which were substantively identical. The Department did not receive any comments from the Independent Regulatory Review Commission (IRRC) or the Senate and House Environmental Resources and Energy Committees.

The public comments were overwhelmingly positive and praised the Department for updating Pennsylvania’s native wild plant classifications. Commenters were generally concerned with ensuring that this Commonwealth’s most vulnerable plants were properly identified for protection. Additionally, commenters commended the Depart-

ment for relying on the most current scientific data in classifying the plants in this final-form rulemaking.

The Department addressed the comments from the public in a comment and response document. To obtain a copy of this document contact Rebecca Bowen by the contact information provided in section B.

F. *Summary of this Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking*

Subchapter A. General provisions

The definition of “unlisted” will be deleted from § 45.2 (relating to definitions) because it is not used in Chapter 45.

Amendments to § 45.3 (relating to classified plant taxonomy) update the taxonomic source material that the Department uses for the nomenclature of native wild plants from John T. Kartesz and Rosemarie Kartesz, *A Synonymized Checklist of the Vascular Flora of the United States, Canada and Greenland, Volume 2: The Biota of North America* (1980), to Ann Fowler Rhoads and Timothy A. Block, *The Plants of Pennsylvania An Illustrated Manual Second Edition* (2007), Philadelphia, Pennsylvania: University of Pennsylvania Press.

Subchapter B. Classified plants

There are 130 substantive amendments to Subchapter B (relating to classified plants), with 79 name changes and 51 classification changes. The substantive amendments include: 9 currently unclassified plant species to be newly classified; 11 currently classified plant species to be reclassified; 31 currently classified plant species to be unclassified; and 79 currently classified plant species with name changes.

For the purposes of this final-form rulemaking, a substantive name change is one that changes the meaning of the plant name (see the following “plant name changes” section). This final-form rulemaking makes minor grammatical corrections to plant names (that is, adding periods, deleting commas and fixing spelling errors) that do not change the meaning of the plant name and are therefore not substantive.

Changes from Proposed to Final-Form Rulemaking

The Department did not make any changes to the Annex from the proposed to this final-form rulemaking. The Department received overwhelming public support for this rulemaking during the public comment period.

Newly classified and reclassified plant species

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Final</i>	<i>Reason for Change</i>	<i>Habitat / Identification Window</i>
<i>Asclepias variegata</i> L.	White Milkweed	TU	PE	Population decrease; habitat decline	Dry woods; flowers late May—July
<i>Baptisia australis</i> (L.) R. Br.	Blue False Indigo	N	PT	Population decrease; unique/rare habitat	River cobble bars and banks; flowers May—June, identifiable most months by leaf and seed pod
<i>Coeloglossum viride</i> (L.) Hartm.	Long-Bracted Green Orchis	TU	PE	Population decrease; vulnerable to exploitation	Rich woods; flowers May—August
<i>Cypripedium parviflorum</i> Salisb. var. <i>makasin</i> (Source: <i>Flora of North America</i>)	Northern Small Yellow Lady’s-Slipper	N	PE	Taxon split into distinct subspecies; low numbers; unique/rare habitat; vulnerable to exploitation	Moist woods, bogs; flowers April—June
<i>Epilobium strictum</i> Muhl.	Downy Willow-Herb	PE	PR	Population increase; habitat decline; unique/rare habitat	Wet meadows, marshes, fens, thickets; flowers July—September
<i>Equisetum scirpoides</i> Michx. (Source: <i>Flora of North America</i>)	Dwarf Scouring-Rush	N	PE	Recent discovery in this Commonwealth; low numbers; unique/rare habitat	Wet woods and peaty openings; identifiable year-round
<i>Fraxinus profunda</i> (Bush) Bush	Pumpkin Ash	N	PE	Low numbers; unique/rare habitat; vulnerable to exotic pest	Wet bottomland forest, often in shallow water; identifiable year-round
<i>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain	TU	PE	Population decrease; habitat decline; vulnerable to exploitation	Moist coniferous and deciduous forest; flowers July—early September
<i>Lycopodiella margueritae</i> J. G. Bruce, W. H. Wagner & Beitel	Marguerite’s Clubmoss	N	PE	Low numbers; global rarity; unique/rare habitat; vulnerable to exploitation	Moist sandy wetlands and shores; sporulates August—October
<i>Lysimachia quadriflora</i> Sims	Four-Flowered Loosestrife	TU	PX	Population extirpated	Wet meadows, fens; flowers July—August

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Final</i>	<i>Reason for Change</i>	<i>Habitat / Identification Window</i>
<i>Malaxis bayardii</i> Fernald	Adder's-Mouth	PR	PE	Population decrease; global rarity; vulnerable to exploitation	Dry open upland forest, shale barrens; flowers July—September
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: <i>Flora of North America</i>)	Northern Green Orchid	N	PE	Taxon split into distinct species; low numbers; vulnerable to exploitation	Wet meadows, marshes, fens, stream banks, moist deciduous forest slopes; flowers June—August
<i>Platanthera huronensis</i> (Nutt.) Lindl.	Huron Green Orchid	N	PE	Taxon split into distinct species; low numbers; vulnerable to exploitation	Wet meadows, bogs, woods; flowers June—August
<i>Platanthera peramoena</i> (A. Gray) A. Gray	Purple Fringeless Orchid	TU	PT	Low numbers; unique/rare habitat; vulnerable to exploitation	Moist meadows, low wet woods, ditches; flowers July—August
<i>Potentilla anserina</i> L.	Silverweed	PT	PR	Unique/rare habitat; tolerant of disturbance	Moist sandy or gravelly shores, or ballast; flowers May—June, identifiable by leaf spring—fall
<i>Ratibida pinnata</i> (Vent.) Barnhart	Gray-Headed Prairie Coneflower	TU	PE	Population decrease	Dry fields, limestone uplands, open roadsides; flowers June—August
<i>Rubus cuneifolius</i> Pursh	Sand Blackberry	TU	PE	Population decrease; habitat decline; unique/rare habitat	Sandy dry open thickets and roadsides; flowers May—June, fruits in July, identifiable by leaf spring—fall
<i>Solidago uliginosa</i> Nutt.	Bog Goldenrod	N	PT	Population decrease; unique/rare habitat	Bogs, swamps, wet meadows, fens; flowers August—October
<i>Vitis rupestris</i> Scheele	Sand Grape	PX	PE	Recent rediscovery in this Commonwealth; low numbers; global rarity; unique/rare habitat	River cobble bars and banks; flowers in May, fruits August—November; identifiable by leaf spring—fall
<i>Zigadenus glaucus</i> (Nutt.) Nutt.	White Camas	N	PE	Recent discovery in this Commonwealth; low numbers; unique/rare habitat	Limestone ledges; flowers in August

Key: N—Currently Unclassified; PX—Pennsylvania Extirpated (§ 45.11); PE—Pennsylvania Endangered (§ 45.12); PT—Pennsylvania Threatened (§ 45.13); PR—Pennsylvania Rare (§ 45.14); PV—Pennsylvania Vulnerable (§ 45.15); TU—Tentatively Undetermined (§ 45.21)

Classified plant species being declassified

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Final</i>	<i>Reason for Change</i>	<i>Habitat / Identification</i>
<i>Alopecurus carolinianus</i> Walt.	Tufted Foxtail	PE	DC	Determined to be nonnative to this Commonwealth; determined to be invasive; high numbers	Swamps, ditches, moist meadows; flowers late May—June
<i>Aster firmus</i> Nees	Firm Aster	TU	DC	Tolerant of disturbance; high numbers	Wet meadows, swamps, fens; flowers August—October

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Final</i>	<i>Reason for Change</i>	<i>Habitat / Identification</i>
<i>Atriplex littoralis</i> L.	Seaside Orach	PX	DC	Recent rediscovery in this Commonwealth; determined to be nonnative to this Commonwealth	Coastal areas, beaches, salt-treated roadsides; flowers/fruits August—November
<i>Cynanchum laeve</i> (Michx.) Pers.	Smooth Swallow-Wort	PE	DC	Population increase; determined to be invasive; tolerant of disturbance	River banks, agricultural fields, roadsides; flowers July—August
<i>Elephantopus carolinianus</i> Raesch.	Elephant's-Foot	PE	DC	Population increase; tolerant of disturbance	Open woodlands, woodland borders, serpentine barrens; flowers August—October
<i>Elodea canadensis</i> L. C. Rich.	Broad Waterweed (Male Plants)	TU	DC	High population numbers	Shallow water of rivers, creeks, lakes, ponds; flowers late June—early August
<i>Juncus gymnocarpus</i> Coville	Coville's Rush	PR	DC	Population increase; tolerant of disturbance	Swamps, seeps, springheads; flowers/fruits in summer
<i>Lemna obscura</i> (Austin) Daubs	Little Water Duckweed	PX	DC	Determined to be nonnative to this Commonwealth; tolerant of disturbance	Shallow water, often in disturbed areas; identifiable by leaf spring—fall
<i>Lycopodium selago</i> L.	Mountain Clubmoss	PX	DC	Misidentified; redetermination	Cool boreal cliffs, forests, meadows, shores; sporulates July—September
<i>Myriophyllum heterophyllum</i> (Michx.)	Broad-Leaved Water-Milfoil	PE	DC	Recent rediscovery in this Commonwealth; determined to be nonnative to this Commonwealth	Still water of ponds, lakes; flowers June—July
<i>Nelumbo lutea</i> (Willd.) Pers.	American Lotus	PE	DC	Determined to be nonnative to this Commonwealth; determined to be invasive	Ponds and other quiet water; flowers June—September
<i>Panicum bicknellii</i> Nash (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth Edition)	Bicknell's Panic-Grass	TU	DC	Taxonomic uncertainties	Wet or moist sandy woods; flowers May—early July and late summer—early fall
<i>Panicum longiligulatum</i> Nash (Morris Arboretum, 1992, Pennsylvania Flora Database)	Long-Ligule Panic-Grass	TU	DC	Taxon lumped with another species	Dry woods, slopes, clearings; flowers May—early July and late summer—early fall
<i>Panicum recognitum</i> Fern. (Morris Arboretum, 1992, Pennsylvania Flora Database)	Fernald's Panic-Grass	TU	DC	Taxon lumped with another species	Moist sandy woods; flowers May—early July and late summer—early fall
<i>Paronychia fastigiata</i> (Raf.) Fern. var. <i>paleacea</i> Fern.	Chaffy Whitlow Wort	TU	DC	Taxon lumped with another species	Dry, rocky, sandy open woods and edges; flowers July—September

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Final</i>	<i>Reason for Change</i>	<i>Habitat / Identification</i>
<i>Platanthera hyperborea</i> (L.) Lindl.	Leafy Northern Green Orchid	PE	DC	Misidentified; redetermination	Wet tundra, stream banks; flowers July—August
<i>Polygonum robustius</i> (Small) Fern.	Robust Smartweed	PT	DC	Population increase; disturbance tolerant	Swamps, lake shores, streams; flowers July—October
<i>Potamogeton illinoensis</i> Morong	Illinois Pondweed	TU	DC	High numbers; disturbance tolerant	Rivers, streams, lakes, ponds; flowers/fruits summer—fall
<i>Prenanthes crepidinea</i> Michx.	Crepis Rattlesnake-Root	PE	DC	Population increase	Open and forested floodplains, banks; flowers August—November
<i>Pycnanthemum pycnanthemoides</i> (Leavenw.) Fern.	Southern Mountain-Mint	PE	DC	Misidentified; redetermination	Open habitat; flowers July—September
<i>Solidago purshii</i> Porter	Pursh's Goldenrod	TU	DC	Taxon lumped with another species	Bogs, swamps, sedge meadows, fens; flowers August—October
<i>Spirodela punctata</i> (Mey.) C. H. Thompson	Eastern Water-Flaxseed	TU	DC	Determined to be nonnative to this Commonwealth	Ponds, lakes, swamps, sluggish streams; identifiable by leaf spring—fall
<i>Tradescantia ohioensis</i> Raf.	Ohio Spiderwort	TU	DC	High numbers; disturbance tolerant	Alluvial woods, waste ground; flowers May—July
<i>Trautvetteria caroliniensis</i> (Walt.) Vail	Carolina Tassel-Rue	PR	DC	High numbers; disturbance tolerant	Wooded seepage slopes, stream banks, bogs; June—July
<i>Utricularia inflata</i> Walt.	Floating Bladderwort	PX	DC	Determined to be nonnative to this Commonwealth; determined to be invasive	Lakes, ponds, standing water; flowers May—October
<i>Utricularia minor</i> L.	Lesser Bladderwort	PT	DC	Population increase; disturbance tolerant; determined to be invasive	Lakes, ponds, swamps, standing water; flowers June—August
<i>Utricularia purpurea</i> Walt.	Purple Bladderwort	PR	DC	Population increase; disturbance tolerant	Lakes, ponds, standing water; flowers July—early September
<i>Veronica catenata</i> Pennell	Pennell's Speedwell	TU	DC	Taxonomic uncertainties	Wet fields, ditches, stream edges in shallow water; flowers May—September
<i>Viola nephrophylla</i> Greene	Northern Bog Violet	TU	DC	Misidentified; redetermination	Bogs, wet meadows, ditches, stream banks; flowers May—July
<i>Viola pedatifida</i> G. Don	Prairie Violet	PE	DC	Misidentified; redetermination	Open prairies, savannas; flowers April—June
<i>Zannichellia palustris</i> L.	Horned Pondweed	TU	DC	Population increase; disturbance tolerant	Streams, ponds, lakes, springs, tidal mudflats; flowers May—October

Key: DC—Declassified; N—Currently Unclassified; PX—Pennsylvania Extirpated (§ 45.11); PE—Pennsylvania Endangered (§ 45.12); PT—Pennsylvania Threatened (§ 45.13); PR—Pennsylvania Rare (§ 45.14); PV—Pennsylvania Vulnerable (§ 45.15); TU—Tentatively Undetermined (§ 45.21)

Plant name changes

Pennsylvania Extirpated (§ 45.11)

The names of 16 native wild plant species classified as Pennsylvania Extirpated will be amended as follows:

Carex aenea Fern. to *Carex foenea* Willd.

Erianthus giganteus (Walt.) Muhl. to *Saccharum giganteum* (Walter) Pers.

Eupatorium album L. to *Eupatorium album* L. var *album*

Gentianopsis procera (Holm) Ma. to *Gentianopsis virgata* (Raf.) Holub

Helianthus angustifolius L. to *Helianthus angustifolius* L.

Hypericum stans (Michx.) P. Adams & Robson to *Hypericum crux-andreae* (L.) Crantz

Koeleria cristata (L.) Pers. to *Koeleria macrantha* (Ledeb.) Schultes

Lycopodium sabinifolium Willd. to *Diphasiastrum sabinifolium* (Willd.) Holub.

Panicum leibergii (Vasey) Scribn. (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichantherium leibergii* (Vasey) Freckmann

Panicum spretum Schultes (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichantherium spretum* (Schult.) Freckmann

Phoradendron serotinum (Raf.) M. C. Johnston to *Phoradendron leucarpum* (Raf.) Reveal & M. C. Johnst.

Sagittaria stagnorum Small to *Sagittaria filiformis* J. G. Sm.

Scirpus heterochaetus Chase to *Schoenoplectus heterochaetus* Chase (Sojak)

Sisyrinchium arenicola E. P. Bickn. to *Sisyrinchium fuscum* E. P. Bicknell

Sparganium minimum (Hartm.) Fries to *Sparganium natans* L.

Triglochin palustre L. to *Triglochin palustris* L.

Pennsylvania Endangered (§ 45.12)

The names of 28 native wild plant species classified as Pennsylvania Endangered will be amended as follows:

Alisma plantago-aquatica L. var. *americana* Schultes & Schultes to *Alisma triviale* Pursh

Aster borealis (Torr. & Gray) Prov. to *Symphyotrichum boreale* (Torr. & Gray) Á Löve & D. Löve

Aster nemoralis Ait. to *Oclemena nemoralis* (Aiton) E. Greene

Aster solidagineus Michx. to *Sericocarpus linifolius* (L.) Britton, Stearns & Poggenb.

Aster spectabilis Ait. to *Eurybia spectabilis* (Aiton) Nesom

Cerastium arvense (L.) var. *villosissimum* Pennell to *Cerastium velutinum* Raf. var. *villossissimum* (Pennell) J. K. Morton

Cymophyllus fraseri (Andr.) Mackenzie to *Cymophyllus fraserianus* (Ker Gawl.) Kartesz & Gandhi

Cypripedium parviflorum Salisb. to *Cypripedium parviflorum* Salisb. var. *parviflorum* (Source: *Flora of North America*)

Frasera caroliniensis Walt. to *Swertia caroliniensis* (Walter) Kuntze

Hemicarpha micrantha (Vahl) Britt. to *Lipocarpha micrantha* (Vahl) G. C. Tucker

Lycopodium alopecuroides L. to *Lycopodiella alopecuroides* (L.) Cranfill

Lycopodium porophilum Lloyd & Underwood to *Huperzia porophila* (F. E. Lloyd & Underw.) Holub

Megalodonta beckii (Torr. ex Spreng.) Greene to *Bidens beckii* (Torr. ex Spreng.) Greene

Myriophyllum exalbescens Fern. to *Myriophyllum sibiricum* Komarov

Onosmodium hispidissimum Mackenzie to *Onosmodium molle* Michx. var. *hispidissimum* (Mack.) Cronquist

Oryzopsis pungens (Torr. ex Spreng.) A. S. Hitchc. to *Piptatherum pungens* (Torr. ex Spreng.) Dorn

Panicum scoparium (Lam.) Gould (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichantherium scoparium* (Lam.) Gould

Panicum xanthophysum (Gray) Freckmann (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichantherium xanthophysum* (A. Gray) Freckmann

Polygonum careyi Olney to *Persicaria careyi* (Olney) Greene

Polygonum setaceum Baldw. ex Ell. var. *interjectum* Fern. to *Persicaria setacea* (Baldwin) Small

Sagittaria calycina Engelm. var. *spongiosa* Engelm. to *Sagittaria calycina* Engelm.

Scirpus acutus Muhl. ex Bigelow to *Schoenoplectus acutus* (Muhl. Ex Bigel.) Löve & Löve

Scirpus smithii Gray to *Schoenoplectus smithii* (A. Gray) Sojak

Scirpus torreyi Olney to *Schoenoplectus torreyi* (Olney) Palla

Scleria reticularis Michx. to *Scleria muhlenbergii* Steud.

Senecio antennariifolius Britt. to *Packera antennariifolia* (Britton) W. A. Weber Á Löve

Solidago spathula DC. spp. *randii* var. *racemosa* (Greene) Gleason to *Solidago simplex* Kunth ssp. *randii* (Porter) Ringius var. *racemosa* (Greene) Ringius

Tomanthera auriculata (Michx.) Raf. to *Agalinis auriculata* (Michx.) S. F. Blake

Pennsylvania Threatened (§ 45.13)

The names of nine native wild plant species classified as Pennsylvania Threatened will be amended as follows:

Aster depauperatus (Porter) Fern. to *Symphyotrichum depauperatum* (Fernald) Nesom

Aster novi-belgii L. to *Symphyotrichum novi-belgii* (L.) Nesom var. *novi-belgii*

Cimicifuga americana Michx. to *Actaea podocarpa* DC

Euthamia tenuifolia (Pursh) Greene to *Euthamia caroliniana* (L.) Greene ex Porter & Britton

Juncus alpinus Vill. to *Juncus alpinoarticulatus* Chaix in Vill. ssp. *nodulosus* (Wahlenb.) Hamet-Ahti.

Juncus balticus Willd. to *Juncus arcticus* Willd. var. *littoralis* (Engelm.) Boivin.

Lycopodium appressum (Chapman) Lloyd & Underwood to *Lycopodiella appressa* (Chapm.) Cranfill

Spiraea betulifolia Pallas ssp. *corymbosa* (Raf.) Taylor & MacBryde to *Spiraea betulifolia* Pallas var. *corymbosa* (Raf.) Maxim.

Talinum teretifolium Pursh to *Phemeranthus teretifolius* (Pursh) Raf.

Pennsylvania Rare (§ 45.14)

The names of four native wild plant species classified as Pennsylvania Rare will be amended as follows:

Panicum commonsianum Ashe var. *euchlamydeum* (Skinners) Pohl (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichanthelium commonsianum* (Ashe) Freckmann var. *euchlamydeum* (Shinners) Pohl

Prunus pumila L. to *Prunus pumila* L. var. *pumila*

Scirpus fluviatilis (Torr.) Gray to *Schoenoplectus fluviatilis* (Torr.) Strong

Senecio anonymus Wood to *Packera anonyma* (A. W. Wood) W. A. Weber & Å Löve

Pennsylvania Vulnerable (§ 45.15)

The name of *Cypripedium pubescens* Willd. will be amended to *Cypripedium parviflorum* Salisb. var. *pubescens* (Willd.) Correll.

Tentatively Undetermined (§ 45.21)

The names of 21 native wild plant species classified as tentatively undetermined will be amended as follows:

Aristida curtissii (Gray) Nash to *Aristida dichotoma* Michx. var. *curtissii* A. Gray

Aster dumosus L. to *Symphotrichum dumosum* (L.) Nesom

Aster ericoides L. to *Symphotrichum ericoides* (L.) Nesom

Cassia marilandica L. to *Senna marilandica* (L.) Link

Hedyotis purpurea (L.) Torr. & Gray to *Houstonia purpurea* L. var. *purpurea*

Liatris scariosa (L.) Willd. var. *nieuwlandii* Lunell and *Liatris scariosa* (L.) Willd. var. *novae-angliae* Lunell combined *Liatris scariosa* (L.) Willd.

Malaxis brachypoda (Gray) Fern. to *Malaxis monophylla* (L.) Swartz var. *brachypoda* (A. Gray) F. Morris & E. A. Eames

Nuphar lutea (L.) Sibthorp & Sm. ssp. *pumilum* (Timm) E. O. Beal to *Nuphar microphylla* (Pers.) Fernald

Panicum annulum Ashe (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichanthelium annulum* (Ashe) LeBlond

Panicum boreale Nash (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichanthelium boreale* (Nash) Freckmann

Panicum commonsianum Ashe var. *commonsianum* (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichanthelium commonsianum* (Ashe) Freckmann

Panicum lucidum Ashe (Fernald, M. L., *Gray's Manual of Botany*, 1970, Eighth Edition) to *Dichanthelium lucidum* (Ashe) LeBlond

Panicum villosissimum Nash (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichanthelium villosissimum* (Nash) Freckmann

Panicum yadkinense Ashe (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichanthelium yadkinense* (Ashe) Mohlenbr.

Potamogeton filiformis Pers. to *Potamogeton filiformis* Pers. var. *borealis* (Raf.) St. John

Pycnanthemum pilosum Nutt. to *Pycnanthemum verticillatum* (Michx.) Pers. var. *pilosum* (Nutt.) Cooperr.

Ranunculus trichophyllus Chaix (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Ranunculus aquatilis* L. var. *diffusus* With.

Rhynchospora globularis (Chapman) Small to *Rhynchospora recognita* (Gale) Kral

Senecio plattensis Nutt. to *Packera plattensis* (Nutt.) W. A. Weber & Å Löve

Uvularia puberula Michx. to *Uvularia pudica* Michx. G. *Benefits, Costs and Compliance*

Benefits

This final-form rulemaking will benefit State, county and municipal conservation planning officials, conservation groups and other organizations concerned with the welfare of the environment because it more accurately represents the plants in this Commonwealth in need of the most protection. Additionally, this rulemaking benefits the citizens of this Commonwealth by protecting this Commonwealth's natural resources, which is a constitutional right. See Pa.Const. Art. I, § 27.

Keeping up-to-date classifications of native wild plants, ensures that the Department and other public and private conservation organizations are targeting the appropriate species in their conservation efforts. This will help maintain the biodiversity of ecological systems in this Commonwealth.

Compliance costs

This final-form rulemaking does not prescribe anything for a group or entity to comply with. This final-form rulemaking updates the Commonwealth's classified lists of native wild plants, updates the scientific and common names of certain native wild plant species, and updates the reference source of the nomenclature that the Department uses for native wild plant species taxonomy. There are no compliance costs associated with this final-form rulemaking.

Paperwork requirements

There will be no increase in the amount of required paperwork associated with this final-form rulemaking.

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 6, 2017, the Department submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate and House Environmental

Resources and Energy Committees. A copy of this material is available to the public upon request.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 17, 2018 the final-form rulemaking was deemed approved by the Senate and House Committees. IRRC did not comment on, make recommendations regarding, or object to any portion of the proposed rulemaking, and the Department did not make any changes to the proposed rulemaking. Thus, under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on October 18, 2018, and the final-form rulemaking was deemed approved under 5(g) of the Regulatory Review Act.

J. Findings

The Department finds that:

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

(2) At least a 30-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 47 Pa.B. 7210.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble.

K. Order

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

(a) The regulations of the Department, 17 Pa. Code Ch. 45, are amended by amending §§ 45.2, 45.3, 45.11—45.15 and 45.21 to read as set forth in Annex A.

(b) The Department shall submit this final-form regulation to the Office of General Counsel and Office of Attorney General, as required by law, for approval as to form and legality.

(c) The Department shall submit this final-form regulation to the IRRC and the Senate and House Environmental Resources and Energy Committees as required by law.

(d) The Department shall certify this final-form regulation and deposit it with the Legislative Reference Bureau, as required by law.

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

CINDY ADAMS DUNN,
Secretary

(*Editor's Note:* See 48 Pa.B. 7085 (November 3, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7B-08 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart D. RESOURCE CONSERVATION

CHAPTER 45. CONSERVATION OF PENNSYLVANIA NATIVE WILD PLANTS

Subchapter A. GENERAL PROVISIONS

§ 45.2. Definitions.

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

* * * * *

Tentatively Undetermined—A classification of plant species which are believed to be in danger of population decline, but which cannot presently be included within another classification due to taxonomic uncertainties, limited evidence within historical records or insufficient data.

Wild plants—Naturally occurring native flora, except those commonly considered an agricultural commodity, including green and nongreen species or subspecies, variety or a part, product, seed or progeny thereof.

§ 45.3. Classified plant taxonomy.

Nomenclature used to identify species taxonomy in Subchapter B (relating to classified plants) is according to Rhoads, A. F. and Block, T. A. (2007), *The Plants of Pennsylvania An Illustrated Manual Second Edition*, Philadelphia, Pennsylvania: University of Pennsylvania Press., unless a different taxonomic source is indicated immediately following the scientific name.

Subchapter B. CLASSIFIED PLANTS

§ 45.11. Pennsylvania Extirpated.

Plant species classified as Pennsylvania Extirpated are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aeschynomene virginica</i> (L.) Britton, Stearns & Poggenb.	Sensitive Joint-Vetch
<i>Agalinis decemloba</i> (Greene) Pennell	Blue Ridge False Foxglove
<i>Agrostis altissima</i> (Walter) Tuck.	Tall Bentgrass
<i>Arctostaphylos uva-ursi</i> (L.) Spreng.	Bearberry Manzanita
<i>Asclepias rubra</i> L.	Red Milkweed
<i>Astragalus neglectus</i> (Torr. & A. Gray) Sheldon	Cooper's Milk-Vetch
<i>Berberis canadensis</i> P. Mill.	American Barberry

<i>Scientific Name</i>	<i>Common Name</i>
<i>Buchnera americana</i> L.	Bluehearts
<i>Carex adusta</i> Boott	Crowded Sedge
<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge
<i>Carex backii</i> Boott	Rocky Mountain Sedge
<i>Carex barrattii</i> Schwein. & Torr.	Barratt's Sedge
<i>Carex chordorrhiza</i> L.f.	Creeping Sedge
<i>Carex foenea</i> Willd.	Fernald's Hay Sedge
<i>Carex hyalinolepis</i> Steud.	Shoreline Sedge
<i>Carex nigra</i> (L.) Reichard	Black Sedge
<i>Carex sartwellii</i> Dewey	Sartwell's Sedge
<i>Chamaecyparis thyoides</i> (L.) Britton, Stearns & Poggenb.	Atlantic White-Cedar
<i>Commelina erecta</i> L.	Slender Dayflower
<i>Commelina virginica</i> L.	Virginia Dayflower
<i>Coreopsis rosea</i> Nutt.	Pink Tickseed
<i>Crassula aquatica</i> (L.) Schönland	Water-Pigmyweed
<i>Crotonopsis elliptica</i> Willd.	Elliptical Rushfoil
<i>Cynoglossum boreale</i> Fernald	Northern Hound's Tongue
<i>Cyperus polystachyos</i> Rottb.	Many-Spiked Flatsedge
<i>Cypripedium candidum</i> Muhl. ex Willd.	Small White Lady's-Slipper
<i>Desmodium sessilifolium</i> (Torr.) Torr. and A. Gray	Sessile-Leaved Tick Trefoil
<i>Dichanthelium leibergii</i> (Vasey) Freckmann	Leiberg's Panic Grass
<i>Dichanthelium spretum</i> (Schult.) Freckmann	Eaton's Witchgrass
<i>Diphasiastrum sabinifolium</i> (Willd.) Holub.	Fir Clubmoss
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass
<i>Draba reptans</i> (Lam.) Fernald	Carolina Whitlow-Grass
<i>Echinacea laevigata</i> (C. L. Boynton & Beadle) S. F. Blake	Smooth Purple Coneflower
<i>Elatine americana</i> (Pursh) Arn.	Long-Stem Waterwort
<i>Eleocharis tricostata</i> Torr.	Three-Ribbed Spike-Rush
<i>Eleocharis tuberculosa</i> (Michx.) Roem. & Schult.	Long-Tuberclcd Spike-Rush
<i>Elodea schweinitzii</i> (Planch) Casp.	Schweinitz's Waterweed
<i>Eriocaulon decangulare</i> L.	Ten-Angle Pipewort
<i>Eriocaulon parkeri</i> B. L. Rob.	Parker's Pipewort
<i>Eryngium aquaticum</i> L.	Marsh Eryngo
<i>Eupatorium album</i> L. <i>var album</i>	White Thoroughwort
<i>Eupatorium leucolepis</i> (DC) Torr. & A. Gray	White-Bracted Thoroughwort
<i>Euphorbia obtusata</i> Pursh	Blunt-Leaved Spurge
<i>Fimbristylis puberula</i> (Michx.) Vahl	Hairy Fimbry
<i>Galactia regularis</i> (L.) Britton, Stearns & Poggenb.	Eastern Milk-Pea
<i>Galactia volubilis</i> (L.) Britton	Downy Milk-Pea
<i>Gentiana catesbaei</i> Walter	Elliott's Gentian
<i>Gentianopsis virgata</i> (Raf.) Holub	Narrow-Leaved Fringed Gentian
<i>Helianthus angustifolius</i> L.	Swamp Sunflower
<i>Hordeum pusillum</i> Nutt. Á Löve	Little-Barley
<i>Hottonia inflata</i> Elliott	American Featherfoil
<i>Hydrocotyle umbellata</i> L.	Many-Flowered Pennywort
<i>Hypericum adpressum</i> Raf. ex Barton	Creeping St. John's-Wort
<i>Hypericum crux-andreae</i> (L.) Crantz	St. Peter's-Wort
<i>Hypericum denticulatum</i> Walter	Coppery St. John's-Wort

<i>Scientific Name</i>	<i>Common Name</i>
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
<i>Ilex glabra</i> (L.) A. Gray	Inkberry
<i>Itea virginica</i> L.	Virginia-Willow
<i>Juncus greenii</i> Oakes & Tuck.	Greene's Rush
<i>Koeleria macrantha</i> (Ledeb.) Schultes	Junegrass
<i>Leiophyllum buxifolium</i> (Berg.) Elliott	Sand-Myrtle
<i>Lespedeza stuevei</i> Nutt.	Tall Bush-Clover
<i>Limosella australis</i> R. Br.	Awl-Shaped Mudwort
<i>Lobelia nuttallii</i> Roem. & Schult.	Nuttall's Lobelia
<i>Ludwigia sphaerocarpa</i> Elliott	Spherical-Fruited Seedbox
<i>Lysimachia quadriflora</i> Sims	Four-Flowered Loosestrife
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine
<i>Micranthemum micranthemoides</i> (Nutt.) Wettst.	Nuttall's Mud-Flower
<i>Muhlenbergia capillaris</i> (Lam.) Trin.	Short Muhly
<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry
<i>Onosmodium virginianum</i> (L.) A. DC.	Virginia False Gromwell
<i>Ophioglossum vulgatum</i> L. var. <i>pyncostichum</i> Fernald	Adders Tongue
<i>Phoradendron leucarpum</i> (Raf.) Reveal & M. C. Johnst.	Christmas Mistletoe
<i>Phyllanthus caroliniensis</i> Walt.	Carolina Leaf-Flower
<i>Platanthera cristata</i> (Michx.) Lindl.	Crested Yellow Orchid
<i>Platanthera leucophaea</i> (Nutt.) Lindl.	Prairie White-Fringed Orchid
<i>Polygala lutea</i> L.	Yellow Milkwort
<i>Populus heterophylla</i> L.	Swamp Cottonwood
<i>Potamogeton alpinus</i> Balbis	Northern Pondweed
<i>Potamogeton praelongus</i> Wulfen	White-Stem Pondweed
<i>Prenanthes racemosa</i> Michx.	Glaucous Rattlesnake-Root
<i>Proserpinaca pectinata</i> Lam.	Comb-Leaved Mermaid-Weed
<i>Ranunculus hederaceus</i> L.	Long-Stalked Crowfoot
<i>Rhododendron calendulaceum</i> (Michx.) Torr.	Flame Azalea
<i>Rhynchospora fusca</i> (L.) Aiton f.	Brown Beak-Rush
<i>Rhynchospora gracilentia</i> A. Gray	Beak-Rush
<i>Ruellia caroliniensis</i> (Walter ex J. F. Gmel.) Steud.	Carolina Petunia
<i>Sabatia campanulata</i> (L.) Torr.	Slender Marsh-Pink
<i>Sabatia stellaris</i> Pursh	Sea Pink
<i>Saccharum giganteum</i> (Walter) Pers.	Sugarcane-Plumegrass
<i>Sagittaria filiformis</i> J. G. Sm.	Water Arrow-Head
<i>Schoenoplectus heterochaetus</i> Chase (Sojak)	Slender Bulrush
<i>Scutellaria serrata</i> Andr.	Showy Skullcap
<i>Sisyrinchium fuscatum</i> E. P. Bicknell	Sand Blue-Eyed Grass
<i>Smilax pseudochina</i> L.	Long-Stalked Greenbrier
<i>Sparganium natans</i> L.	Small Bur-Reed
<i>Spiraea virginiana</i> Britton	Virginia Spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Ladies'-Tresses
<i>Trifolium reflexum</i> L.	Buffalo Clover
<i>Triglochin palustris</i> L.	Marsh Arrowgrass
<i>Utricularia fibrosa</i> Walt.	Fibrous Bladderwort
<i>Utricularia resupinata</i> B. D. Greene ex Bigelow	Northeastern Bladderwort

§ 45.12. Pennsylvania Endangered.

Plant species classified as Pennsylvania Endangered are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum reclinatum</i> A. Gray	White Monkshood
<i>Acorus americanus</i> (Raf.) Raf.	Sweet Flag
<i>Agalinis auriculata</i> (Michx.) S. F. Blake	Eared False Foxglove
<i>Agalinis paupercula</i> (A. Gray) Britton	Small-Flowered False Foxglove
<i>Alisma triviale</i> Pursh	Broad-Leaved Water-Plantain
<i>Alnus viridis</i> (Vill.) DC	Mountain Alder
<i>Amelanchier bartramiana</i> (Tausch) M. Roem.	Oblong-Fruited Serviceberry
<i>Ammania coccinea</i> Rottb.	Scarlet Ammannia
<i>Anemone cylindrica</i> A. Gray	Long-Headed Anemone
<i>Arabis missouriensis</i> Greene	Missouri Rockcress
<i>Arethusa bulbosa</i> L.	Dragon's-Mouth
<i>Arnica acaulis</i> (Walter) Britton, Stearns & Poggenb.	Leopard's-Bane
<i>Artemisia campestris</i> L. ssp. <i>caudata</i> (Michx.) Hall & Clements.	Beach Wormwood
<i>Asclepias variegata</i> L.	White Milkweed
<i>Asplenium resiliens</i> Kunze	Black-Stemmed Spleenwort
<i>Bidens beckii</i> (Torr. ex Spreng.) Greene	Beck's Water-Marigold
<i>Boltonia asteroides</i> (L.) L'Hér.	Aster-Like Boltonia
<i>Cardamine pratensis</i> L. var. <i>palustris</i> Wimm. & Grab. (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Cuckooflower
<i>Carex atherodes</i> Spreng.	Awned Sedge
<i>Carex aurea</i> Nutt.	Golden-Fruited Sedge
<i>Carex bebbii</i> (Bailey) Fern.	Bebb's Sedge
<i>Carex bicknellii</i> Britton	Bicknell's Sedge
<i>Carex bullata</i> Willd.	Bull Sedge
<i>Carex careyana</i> Dewey	Carey's Sedge
<i>Carex collinsii</i> Nutt.	Collin's Sedge
<i>Carex crinita</i> Lam. var. <i>brevicrinis</i> Fernald	Short-Hair Sedge
<i>Carex eburnea</i> Boott	Ebony Sedge
<i>Carex formosa</i> Dewey	Handsome Sedge
<i>Carex garberi</i> Fernald	Elk Sedge
<i>Carex geyeri</i> Boott	Geyer's Sedge
<i>Carex gravida</i> Bailey	Heavy Sedge
<i>Carex mitchelliana</i> M. A. Curtis	Mitchell's Sedge
<i>Carex pauciflora</i> Lightf.	Few-Flowered Sedge
<i>Carex polymorpha</i> Muhl.	Variable Sedge
<i>Carex pseudocyperus</i> L.	Cyperus-Like Sedge
<i>Carex retrorsa</i> Schwein.	Backward Sedge
<i>Carex typhina</i> Michx.	Cat-Tail Sedge
<i>Carex viridula</i> Michx.	Green Sedge
<i>Cerastium velutinum</i> Raf. var. <i>villosissimum</i> (Pennell) J. K. Morton	Octoraro Creek Chickweed
<i>Chasmanthium laxum</i> (L.) H. O. Yates	Slender Wild-Oats
<i>Chenopodium foggii</i> Wahl	Fogg's Goosefoot
<i>Chrysogonum virginianum</i> L.	Green-and-Gold
<i>Cirsium horridulum</i> Michx.	Horrible Thistle
<i>Cladium mariscoides</i> (Muhl.) Torr.	Twig-Rush
<i>Clematis viorna</i> L.	Leather-Flower

<i>Scientific Name</i>	<i>Common Name</i>
<i>Clethra acuminata</i> Michx.	Mountain Pepperbush
<i>Clitoria mariana</i> L.	Butterfly Pea
<i>Coeloglossum viride</i> (L.) Hartm.	Long-Bracted Green Orchis
<i>Conioselinum chinense</i> (L.) Britton, Stearns & Poggenb.	Hemlock-Parsley
<i>Cryptogramma stelleri</i> (Gmel.) Prantl	Slender Rockbrake
<i>Cymophyllus fraserianus</i> (Ker Gawl.) Kartesz & Gandhi	Fraser's Sedge
<i>Cyperus acuminatus</i> Torr. & Hook.	Short-Pointed Flatsedge
<i>Cyperus diandrus</i> Torr.	Umbrella Sedge
<i>Cyperus houghtonii</i> Torr.	Houghton's Flatsedge
<i>Cyperus refractus</i> Engelm.	Reflexed Flatsedge
<i>Cyperus retrorsus</i> Chapman	Retorse Flatsedge
<i>Cypripedium parviflorum</i> Salisb. var. <i>makasin</i> (Source: <i>Flora of North America</i>)	Northern Small Yellow Lady's-Slipper
<i>Cypripedium parviflorum</i> Salisb. var. <i>parviflorum</i> (Source: <i>Flora of North America</i>)	Southern Small Yellow Lady's-Slipper
<i>Delphinium exaltatum</i> Aiton	Tall Larkspur
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil
<i>Diarrhena obovata</i> (Gleason) Bradenburg	Obovate Beakgrain
<i>Dicentra eximia</i> (Ker Gwal.) Torr.	Wild Bleeding-Heart
<i>Dichanthelium scoparium</i> (Lam.) Gould	Velvety Panic Grass
<i>Dichanthelium xanthophysum</i> (A. Gray) Freckmann	Slender Panic Grass
<i>Dodecatheon meadia</i> L.	Shooting-Star
<i>Dryopteris campyloptera</i> (Kunze) Clarkson	Mountain Wood Fern
<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter's Barnyard-Grass
<i>Eleocharis caribaea</i> (Rottb.) S. F. Blake	Capitate Spike-Rush
<i>Eleocharis compressa</i> Sull.	Flat-Stemmed Spike-Rush
<i>Eleocharis elliptica</i> Kunth	Slender Spike-Rush
<i>Eleocharis obtusa</i> (Willd.) Schult. var. <i>peasei</i> Svenson	Wright's Spike-Rush
<i>Eleocharis parvula</i> (Roem. & Schult.) Link ex Buffon & Fingerh.	Dwarf Spike-Rush
<i>Eleocharis pauciflora</i> (Lightf.) Link var. <i>fernaldii</i> Swenson	Few-Flowered Spike-Rush
<i>Eleocharis quadrangulata</i> (Michx.) Roem. & Schult.	Four-Angled Spike-Rush
<i>Eleocharis rostellata</i> (Torr.) Torr.	Beaked Spike-Rush
<i>Eleocharis tenuis</i> (Willd.) Schult. var. <i>verrucosa</i> (Svenson) Svenson	Slender Spike-Rush
<i>Equisetum scirpoides</i> Michx. (Source: <i>Flora of North America</i>)	Dwarf Scouring-Rush
<i>Equisetum variegatum</i> Schleich.	Variegated Scouring-Rush
<i>Eriophorum gracile</i> Koch ex Roth	Slender Cotton-Grass
<i>Eriophorum tenellum</i> Nutt.	Rough Cotton-Grass
<i>Euphorbia ipecacuanhae</i> L.	Wild Ipecac
<i>Euphorbia purpurea</i> (Raf.) Fernald	Glade Spurge
<i>Eurybia spectabilis</i> (Aiton) Nesom	Showy Aster
<i>Festuca paradoxa</i> Desv.	Cluster Fescue
<i>Fraxinus profunda</i> (Bush) Bush	Pumpkin Ash
<i>Galium labradoricum</i> Wiegand	Bog Bedstraw
<i>Gaylussacia dumosa</i> (Andr.) Torr. & A. Gray	Dwarf Huckleberry
<i>Geranium bicknellii</i> Britton	Cranesbill
<i>Glyceria borealis</i> (Nash) Batch.	Small Floating Mannagrass
<i>Glyceria obtusa</i> (Muhl.) Trin.	Blunt Manna-Grass
<i>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain

<i>Scientific Name</i>	<i>Common Name</i>
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Helianthemum bicknellii</i> Fernald	Bicknell's Hoary Rockrose
<i>Heteranthera multiflora</i> (Griseb.) Horn.	Multi-Flowered Mud-Plantain
<i>Hieracium traillii</i> Greene	Maryland Hawkweed
<i>Hierochloa odorata</i> (L.) Beauv.	Vanilla Sweet-Grass
<i>Huperzia porophila</i> (F. E. Lloyd & Underw.) Holub	Sandstone-Loving Firmoss
<i>Hydrophyllum macrophyllum</i> Nutt.	Large-Leaved Water-Leaf
<i>Iodanthus pinnatifidus</i> (Michx.) Steud.	Purple-Rocket
<i>Iris cristata</i> Sol. ex Aiton	Dwarf Crested Iris
<i>Iris prismatica</i> Pursh	Slender Blue Flag
<i>Iris verna</i> L.	Dwarf Iris
<i>Isotria medeoloides</i> (Pursh) Raf.	Small-Whorled Pogonia
<i>Juncus brachycarpus</i> Engelm.	Short-Fruited Rush
<i>Juncus dichotomus</i> Elliott	Forked Rush
<i>Juncus longii</i> Fern.	Long's Rush
<i>Juncus militaris</i> Bigelow	Bayonet Rush
<i>Juncus scirpoides</i> Lam.	Scirpus-Like Rush
<i>Lespedeza angustifolia</i> (Pursh) Elliott	Narrow-Leaved Bush-Clover
<i>Ligusticum canadense</i> (L.) Britton	Nondo Lovage
<i>Linum intercursum</i> E. P. Bicknell	Sandplain Wild Flax
<i>Linum sulcatum</i> Riddell	Grooved Yellow Flax
<i>Lipocarpa micrantha</i> (Vahl) G. C. Tucker	Common Hemicarpha
<i>Listera australis</i> Lindl.	Southern Twayblade
<i>Listera cordata</i> (L.) R. Br.	Heartleaf Twayblade
<i>Listera smallii</i> Wiegand	Kidney-Leaved Twayblade
<i>Lithospermum caroliniense</i> (J. F. Gmel.) MacMill.	Hispid Gromwell
<i>Lithospermum latifolium</i> Michx.	American Gromwell
<i>Lobelia kalmii</i> L.	Brook Lobelia
<i>Lobelia puberula</i> Michx.	Downy Lobelia
<i>Lonicera oblongifolia</i> (Goldie) Hook.	Swamp Fly-Honeysuckle
<i>Lonicera villosa</i> (Michx.) Roem. & Schult.	Mountain Fly-Honeysuckle
<i>Ludwigia decurrens</i> Walter	Upright Primrose-Willow
<i>Ludwigia polycarpa</i> Short & Peter	False Loosestrife Seedbox
<i>Lycopodiella alopecuroides</i> (L.) Cranfill	Foxtail Bog Clubmoss
<i>Lycopodiella margueritae</i> J. G. Bruce, W. H. Wagner & Beitel	Marguerite's Clubmoss
<i>Lycopus rubellus</i> Moench.	Taper-Leaved Bugle-Weed
<i>Lyonia mariana</i> (L.) D. Don	Staggerbush
<i>Malaxis bayardii</i> Fernald	Adder's-Mouth
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-Flowered Marshallia
<i>Matelea obliqua</i> (Jacq.) Woodson	Oblique Milkvine
<i>Mitella nuda</i> L.	Naked Bishop's-Cap
<i>Monarda punctata</i> L.	Spotted Bee-Balm
<i>Montia chamissoi</i> (Ledeb. ex Spreng.) Greene	Chamisso's Miner's-Lettuce
<i>Muhlenbergia uniflora</i> (Muhl.) Fern.	Fall Dropseed Muhly
<i>Myriophyllum farwellii</i> Morong	Farwell's Water-Milfoil
<i>Myriophyllum sibiricum</i> Komarov	Northern Water-Milfoil
<i>Myriophyllum verticillatum</i> L.	Whorled Water-Milfoil
<i>Najas marina</i> L.	Holly-Leaved Naiad

<i>Scientific Name</i>	<i>Common Name</i>
<i>Oclemena nemoralis</i> (Aiton) E. Greene	Leafy Bog Aster
<i>Onosmodium molle</i> Michx. var. <i>hispidissimum</i> (Mack.) Cronquist	False Gromwell
<i>Ophioglossum engelmannii</i> Prantl	Limestone Adder's-Tongue
<i>Packera antennariifolia</i> (Britton) W. A. Weber & Löve	Cat's-Paw Ragwort
<i>Panicum amarum</i> Elliott var. <i>amarulum</i> (A. Hitchc. & Chase) P. G. Palmer	Beachgrass
<i>Parnassia glauca</i> Raf.	Grass-of-Parnassus
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Paxistima canbyi</i> A. Gray	Canby's Mountain-Lover
<i>Persicaria careyi</i> (Olney) Greene	Carey's Smartweed
<i>Persicaria setacea</i> (Baldwin) Small	Swamp Smartweed
<i>Phlox ovata</i> L.	Mountain Phlox
<i>Phlox subulata</i> L. ssp. <i>brittonii</i> (Small) Wherry	Moss Pink
<i>Piptatherum pungens</i> (Torr. ex Spreng.) Dorn	Slender Mountain Ricegrass
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: <i>Flora of North America</i>)	Northern Green Orchid
<i>Platanthera dilatata</i> (Pursh) Lindl. ex Beck	Tall White Bog-Orchid
<i>Platanthera huronensis</i> (Nutt.) Lindl.	Huron Green Orchid
<i>Poa autumnalis</i> Muhl. ex Elliott	Autumn Bluegrass
<i>Polemonium van-bruntiae</i> Britton	Jacob's-Ladder
<i>Polygala cruciata</i> L.	Cross-Leaved Milkwort
<i>Polygala curtissii</i> A. Gray	Curtis' Milkwort
<i>Polygala incarnata</i> L.	Pink Milkwort
<i>Polystichum braunii</i> (Spenn.) Fee	Braun's Holly Fern
<i>Populus balsamifera</i> L.	Balsam Poplar
<i>Potamogeton friesii</i> Rupr.	Fries' Pondweed
<i>Potamogeton gramineus</i> L.	Grassy Pondweed
<i>Potamogeton hillii</i> Morong	Hill's Pondweed
<i>Potamogeton obtusifolius</i> Mert. & Koch	Blunt-Leaved Pondweed
<i>Potamogeton pulcher</i> Tuck.	Spotted Pondweed
<i>Potamogeton strictifolius</i> A. Benn.	Narrow-Leaved Pondweed
<i>Potamogeton tennesseensis</i> Fernald	Tennessee Pondweed
<i>Potamogeton vaseyi</i> J. W. Robbins	Vasey's Pondweed
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil
<i>Potentilla paradoxa</i> Nutt.	Bushy Cinquefoil
<i>Potentilla tridentata</i> Aiton	Three-Toothed Cinquefoil
<i>Prunus maritima</i> Marshall	Beach Plum
<i>Prunus nigra</i> Ait.	Canada Plum
<i>Ptilimnium capillaceum</i> (Michx.) Raf.	Mock Bishop-Weed
<i>Pycnanthemum torrei</i> Benth.	Torrey's Mountain-Mint
<i>Quercus falcata</i> Michx.	Southern Red Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Quercus shumardii</i> Buckley	Shumard Oak
<i>Ranunculus fascicularis</i> Muhl. ex J. M. Bigelow	Tufted Buttercup
<i>Ratibida pinnata</i> (Vent.) Barnhart	Gray-Headed Prairie Coneflower
<i>Rhamnus lanceolata</i> Pursh	Lanceolate Buckthorn
<i>Rhexia mariana</i> L.	Maryland Meadow-Beauty
<i>Rhododendron atlanticum</i> (Ashe) Rehder	Dwarf Azalea
<i>Rhynchospora capillacea</i> Torr.	Capillary Beak-Rush
<i>Ribes missouriense</i> Nutt. ex Torr. & A. Gray	Missouri Gooseberry

<i>Scientific Name</i>	<i>Common Name</i>
<i>Rubus cuneifolius</i> Pursh	Sand Blackberry
<i>Ruellia humilis</i> Nutt.	Fringed-Leaved Petunia
<i>Sagittaria calycina</i> Engelm.	Long-Lobed Arrowhead
<i>Scheuchzeria palustris</i> L.	Pod-Grass
<i>Schoenoplectus acutus</i> (Muhl. ex Bigel.) Löve & Löve	Hard-Stemmed Bulrush
<i>Schoenoplectus smithii</i> (A. Gray) Sojak	Smith's Bulrush
<i>Schoenoplectus torreyi</i> (Olney) Palla	Torrey's Bulrush
<i>Scirpus ancistrochaetus</i> Schuyler	Northeastern Bulrush
<i>Scleria minor</i> (Britton) Stone	Small Nut-Rush
<i>Scleria muhlenbergii</i> Steud.	Reticulated Nut-Rush
<i>Scleria verticillata</i> Muhl. ex Willd.	Whorled Nut-Rush
<i>Sedum rosea</i> (L.) Scop.	Roseroot Stonecrop
<i>Sericocarpus linifolius</i> (L.) Britton, Stearns & Poggenb.	Narrow-Leaved White-Topped Aster
<i>Shepherdia canadensis</i> (L.) Nutt.	Canada Buffalo-Berry
<i>Sida hermaphrodita</i> (L.) Rusby	Virginia Mallow
<i>Sisyrinchium atlanticum</i> E. P. Bicknell	Eastern Blue-Eyed-Grass
<i>Solidago arguta</i> Aiton var. <i>harrisii</i> (E. S. Steele) Cronquist	Harris' Goldenrod
<i>Solidago curtissii</i> Torr. & A. Gray	Curtis' Goldenrod
<i>Solidago erecta</i> Banks ex Pursh	Slender Goldenrod
<i>Solidago simplex</i> Kunth ssp. <i>randii</i> (Porter) Ringius var. <i>racemosa</i> (Greene) Ringius	Sticky Goldenrod
<i>Sorbus decora</i> (Sarg.) Schneid.	Showy Mountain-Ash
<i>Sparganium androcladum</i> (Engelm.) Morong	Branching Bur-Reed
<i>Spiranthes casei</i> Catling & Cruise	Case's Ladies'-Tresses
<i>Spiranthes ovalis</i> Lindl.	October Ladies'-Tresses
<i>Spiranthes romanzoffiana</i> Cham.	Hooded Ladies'-Tresses
<i>Spiranthes vernalis</i> Engelm. & A. Gray	Spring Ladies'-Tresses
<i>Sporobolus clandestinus</i> (Biehler) A. Hitchc.	Rough Dropseed
<i>Sporobolus cryptandrus</i> (Torr.) A. Gray	Sand Dropseed
<i>Sporobolus heterolepis</i> (A. Gray) A. Gray	Prairie Dropseed
<i>Stachys nuttallii</i> Shuttlew. ex Benth.	Nuttall's Hedge-Nettle
<i>Swertia caroliniensis</i> (Walter) Kuntze	American Columbo
<i>Symphyotrichum boreale</i> (Torr. & Gray) Á Löve & D. Löve	Northern Bog Aster
<i>Taenidia montana</i> (Mack.) Cronquist	Mountain Pimpernel
<i>Thalictrum coriaceum</i> (Britt.) Small	Thick-Leaved Meadow-Rue
<i>Trichostema setaceum</i> Houtt.	Narrow-Leaved Blue-Curls
<i>Trifolium virginicum</i> Small	Kate's-Mountain Clover
<i>Triphora trianthophora</i> (Swartz) Rydb.	Nodding Pogonia
<i>Triplasis purpurea</i> Chapman] (Walter) Chapm.	Purple Sandgrass
<i>Trollius laxus</i> Salisb.	Spreading Globe-Flower
<i>Veronia glauca</i> (L.) Willd.	Tawny Ironweed
<i>Viburnum nudum</i> L.	Possum Haw Viburnum
<i>Viola brittoniana</i> Pollard	Coast Violet
<i>Vitis novae-angliae</i> Fernald	New England Grape
<i>Vitis rupestris</i> Scheele	Sand Grape
<i>Zigadenus glaucus</i> (Nutt.) Nutt.	White Camas

§ 45.13. Pennsylvania Threatened.

Plant species classified as Pennsylvania Threatened are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum uncinatum</i> L.	Blue Monkshood
<i>Actaea podocarpa</i> DC	American Bugbane
<i>Ammophila breviligulata</i> Fernald	American Beachgrass
<i>Arceuthobium pusillum</i> Peck	Dwarf Mistletoe
<i>Aristida purpurascens</i> Poir.	Arrow-Feather Three-Awned Grass
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Baptisia australis</i> (L.) R. Br.	Blue False Indigo
<i>Bidens bidentoides</i> (Nutt.) Britt.	Swamp Beggar-Ticks
<i>Bouteloua curtipendula</i> (Michx.) Torr.	Tall Gramma
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex alata</i> Torr.	Broad-Winged Sedge
<i>Carex aquatilis</i> Wahlenb.	Water Sedge
<i>Carex cryptolepis</i> Mack.	Northeastern Sedge
<i>Carex diandra</i> Schrank	Lesser Panicked Sedge
<i>Carex flava</i> L.	Yellow Sedge
<i>Carex oligosperma</i> Michx.	Few-Seeded Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Carex prairea</i> Dewey	Prairie Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Atlantic Sedge
<i>Carex tetanica</i> Schkuhr	Wood's Sedge
<i>Carex wiegandii</i> Mack.	Wiegand's Sedge
<i>Chamaesyce polygonifolia</i> (L.) Small	Seaside Spurge
<i>Chrysopsis mariana</i> (L.) Elliott	Maryland Golden-Aster
<i>Cypripedium reginae</i> Walter	Showy Lady's-Slipper
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass
<i>Dodecatheon amethystinum</i> (Fassett) Fassett	Jeweled Shooting-Star
<i>Eleocharis intermedia</i> (Muhl.) Schult.	Matted Spike-Rush
<i>Eleocharis robbinsii</i> Oakes	Robbins' Spike-Rush
<i>Ellisia nyctelea</i> L.	Ellisia
<i>Eriogonum bulbosum</i> (Michx.) Nutt.	Harbinger-of-Spring
<i>Eriophorum viridicarinatum</i> (Engelm.) Fernald	Thin-Leaved Cottongrass
<i>Euthamia caroliniana</i> (L.) Greene ex Porter & Britton	Grass-Leaved Goldenrod
<i>Fimbristylis annua</i> (All.) Roem. & Schult.	Annual Fimbry
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Hypericum densiflorum</i> Pursh	Bushy St. John's-Wort
<i>Hypericum majus</i> (A. Gray) Britton	Canadian St. John's-Wort
<i>Ilex opaca</i> Aiton	American Holly
<i>Juncus alpinoarticulatus</i> Chaix in Vill. ssp. <i>nodulosus</i> (Wahlenb.) Hämet-Ahti.	Richardson's Rush
<i>Juncus arcticus</i> Willd. var. <i>littoralis</i> (Engelm.) Boivin.	Baltic Rush
<i>Juncus brachycephalus</i> (Engelm.) L. Buch.	Small-Headed Rush
<i>Juncus torreyi</i> Coville	Torrey's Rush
<i>Lathyrus japonicus</i> Willd.	Beach Pea
<i>Lathyrus ochroleucus</i> Hook.	Wild Pea
<i>Linnaea borealis</i> L.	Twinflower

<i>Scientific Name</i>	<i>Common Name</i>
<i>Lobelia dortmanna</i> L.	Water Lobelia
<i>Lycopodiella appressa</i> (Chapm.) Cranfill	Appressed Bog Clubmoss
<i>Magnolia tripetala</i> (L.) L.	Umbrella Magnolia
<i>Magnolia virginiana</i> L.	Sweetbay Magnolia
<i>Melica nitens</i> Nutt.	Three-Flowered Melic Grass
<i>Minuartia glabra</i> (Michx.) Mattf.	Appalachian Sandwort
<i>Myrica gale</i> L.	Sweet-gale
<i>Myriophyllum tenellum</i> Bigelow	Slender Water-Milfoil
<i>Najas gracillima</i> (A. Braun) Magnus	Bushy Naiad
<i>Nymphoides cordata</i> (Elliott) Fernald	Floating-Heart
<i>Oenothera argillicola</i> Mack.	Shale-Barren Evening-Primrose
<i>Panicum tuckermanii</i> Fernald	Tuckerman's Panic-Grass
<i>Phemeranthus teretifolius</i> (Pursh) Raf.	Round-Leaved Fameflower
<i>Platanthera peramoena</i> (A. Gray) A. Gray	Purple Fringeless Orchid
<i>Poa paludigena</i> Fernald & Wiegand	Bog Bluegrass
<i>Potamogeton confervoides</i> Reichenb.	Tuckerman's Pondweed
<i>Potamogeton richardsonii</i> (Benn.) Rydb.	Red-Head Pondweed
<i>Ptelea trifoliata</i> L.	Hoptree
<i>Ranunculus longirostris</i> Godron	Eastern White Water-Crowfoot
<i>Ribes triste</i> Pallas	Wild Red Currant
<i>Ruellia strepens</i> L.	Limestone Petunia
<i>Salix candida</i> Flugge ex Willd.	Hoary Willow
<i>Salix serissima</i> (Bailey) Fernald	Autumn Willow
<i>Scirpus pedicellatus</i> Fernald	Stalked Bulrush
<i>Scleria pauciflora</i> Muhl. ex Willd.	Few-Flowered Nutrush
<i>Solidago uliginosa</i> Nutt.	Bog Goldenrod
<i>Spiraea betulifolia</i> Pallas var. <i>corymbosa</i> (Raf.) Maxim.	Dwarf Spiraea
<i>Streptopus amplexifolius</i> (L.) DC	Twisted-Stalk
<i>Symphyotrichum depauperatum</i> (Fernald) Nesom	Serpentine Aster
<i>Symphyotrichum novi-belgii</i> (L.) Nesom var. <i>novi-belgii</i>	New York Aster
<i>Utricularia intermedia</i> Hayne	Flat-Leaved Bladderwort
<i>Viola appalachensis</i> L. K. Henry	Appalachian Blue Violet
<i>Vittaria appalachiana</i> Farrar & Mickel	Appalachian Grass-Fern

§ 45.14. **Pennsylvania Rare.**

Plant species classified as Pennsylvania Rare are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Amaranthus cannabinus</i> (L.) Sauer	Water-Hemp Ragweed
<i>Andromeda polifolia</i> L.	Bog-Rosemary
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot
<i>Baccharis halimifolia</i> L.	Eastern Baccharis
<i>Cakile edentula</i> (Bigelow) Hook.	American Sea-Rocket
<i>Carex disperma</i> Dewey	Soft-Leaved Sedge
<i>Carex lasiocarpa</i> Ehrh.	Many-Fruited Sedge
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary
<i>Cyperus engelmannii</i> Steud.	Engelmann's Flatsedge
<i>Cyperus schweinitzii</i> Torr.	Schweinitz's Flatsedge
<i>Dichanthelium commonsianum</i> (Ashe) Freckmann var. <i>euchlamydeum</i> (Shinners) Pohl	Cloaked Panic Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush
<i>Epilobium strictum</i> Muhl.	Downy Willow-Herb
<i>Gaultheria hispidula</i> (L.) Muhl. ex Bigelow	Creeping Snowberry
<i>Juncus filiformis</i> L.	Thread Rush
<i>Ledum groenlandicum</i> Oeder	Common Labrador-Tea
<i>Lupinus perennis</i> L.	Blue Lupine
<i>Lygodium palmatum</i> (Bernh.) Sw.	Hartford Fern
<i>Menziesia pilosa</i> (Michx.) Juss.	Minniebush
<i>Opuntia humifusa</i> (Raf.) Raf.	Eastern Prickly-Pear Cactus
<i>Orontium aquaticum</i> L.	Golden Club
<i>Packera anonyma</i> (A. W. Wood) W. A. Weber & Á Löve	Appalachian Groundsel
<i>Potamogeton robbinsii</i> Oakes	Flat-Leaved Pondweed
<i>Potamogeton zosteriformis</i> Fernald	Flat-Stemmed Pondweed
<i>Potentilla anserina</i> L.	Silverweed
<i>Prunus pumila</i> L. var <i>pumila</i>	Sand Cherry
<i>Pyrolaria pubera</i> Michx.	Buffalo-Nut
<i>Ranunculus micranthus</i> (Gray) Nutt. ex Torr. & Gray	Small-Flowered Crowfoot
<i>Rotala ramosior</i> (L.) Koehne	Toothcup
<i>Sagittaria subulata</i> (L.) L. Buch.	Subulate Arrowhead
<i>Schizachyrium scoparium</i> (Michx.) Nash var. <i>littorale</i> (Nash) Gould	Seaside Bluestem
<i>Schoenoplectus fluviatilis</i> (Torr.) Strong	River Bulrush
<i>Sedum telephioides</i> Michx.	Allegheny Stonecrop
<i>Solidago roanensis</i> Porter	Tennessee Golden-Rod
<i>Tipularia discolor</i> (Pursh) Nutt.	Crane-fly Orchid
<i>Trillium nivale</i> Riddell	Snow Trillium
<i>Wolffiella gladiata</i> (Hegelm.) Hegelm.	Bog-mat
<i>Xyris montana</i> Ries.	Yellow Eyed Grass
<i>Zizania aquatica</i> L.	Indian Wild Rice

§ 45.15. **Pennsylvania Vulnerable.**

Plant species classified as Pennsylvania Vulnerable are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Cypripedium parviflorum</i> Salisb. var. <i>pubescens</i> (Willd.) Correll	Large Yellow Lady's-Slipper
<i>Hydrastis canadensis</i> L.	Goldenseal
<i>Panax quinquefolius</i> L.	Ginseng

§ 45.21. **Tentatively Undetermined.**

Plant species classified as Tentatively Undetermined are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern
<i>Agalinis obtusifolia</i> Raf.	False-Foxglove
<i>Aletris farinosa</i> L.	Colic-Root
<i>Ambrosia psilostachya</i> DC.	Naked-Spiked Ambrosia
<i>Amelanchier humilis</i> Wiegand	Low Serviceberry
<i>Amelanchier obovalis</i> (Michx.) Ashe	Coastal Juneberry
<i>Amelanchier sanguinea</i> (Pursh) DC.	Roundleaf Juneberry
<i>Andropogon glomeratus</i> (Walter) Britton, Stearns & Poggenb.	Bushy Bluestem
<i>Antennaria solitaria</i> Rydb.	Single-Headed Pussy-Toes
<i>Arabis hirsuta</i> (L.) Scop.	Western Hairy Rock-Cress
<i>Aristida dichotoma</i> Michx. var. <i>curtissii</i> A. Gray	Poverty Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aristida longespica</i> Poir. var. <i>geniculata</i> (Raf.) Fernald	Long-Spike Three-Awned Grass
<i>Aristolochia macrophylla</i> Lam.	Pipevine
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex crawfordii</i> Fernald	Crawford's Sedge
<i>Carex haydenii</i> Dewey	Cloud Sedge
<i>Carex limosa</i> L.	Mud Sedge
<i>Carex longii</i> Mack.	Long's Sedge
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge
<i>Carex meadii</i> Dewey	Mead's Sedge
<i>Carex mesochorea</i> Mack.	Midland Sedge
<i>Castilleja coccinea</i> (L.) Spreng.	Scarlet Indian Paintbrush
<i>Chasmanthium latifolium</i> (Michx.) H. O. Yates	Wild-Oats
<i>Chenopodium capitatum</i> (L.) Asch.	Strawberry Goosefoot
<i>Corallorrhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Crataegus brainerdii</i> Sarg.	Brainerd's Hawthorne
<i>Crataegus mollis</i> (Torr. & A. Gray) Scheele	Downy Hawthorne
<i>Cuscuta cephalanthi</i> Engelm.	Buttonbush Dodder
<i>Cuscuta corylii</i> Engelm.	Hazel Dodder
<i>Cuscuta polygonorum</i> Engelm.	Smartweed Dodder
<i>Cyperus odoratus</i> L.	Rusty Flatsedge
<i>Cyperus tenuifolius</i> (Steud.) Dandy	Thin-Leaved Flatsedge
<i>Cystopteris laurentiana</i> (Weath.) Blasdell	Laurentian Bladder-Fern
<i>Desmodium glabellum</i> (Michx.) Kuntze	Tall Tick-Trefoil
<i>Desmodium nuttallii</i> (Schindl.) Schub.	Nuttall's Tick-Trefoil
<i>Dichanthelium annulum</i> (Ashe) LeBlond	Annulus Panic Grass
<i>Dichanthelium boreale</i> (Nash) Freckmann	Northern Panic Grass
<i>Dichanthelium commonsianum</i> (Ashe) Freckmann	Cloaked Panic Grass
<i>Dichanthelium lucidum</i> (Ashe) LeBlond	Shining Panic Grass
<i>Dichanthelium villosissimum</i> (Nash) Freckmann	Long-Haired Panic Grass
<i>Dichanthelium yadkinense</i> (Ashe) Mohlenbr.	Yadkin River Panic Grass
<i>Dracocephalum parviflorum</i> Nutt.	American Dragonhead
<i>Elatine minima</i> (Nutt.) Fisch. & C. A. Mey	Small Waterwort
<i>Elymus virginicus</i> L. var. <i>submuticus</i> Hook.	Wild Rye
<i>Epilobium palustre</i> L.	Marsh Willow-Herb
<i>Eupatorium rotundifolium</i> L.	Round-Leaved Thoroughwort
<i>Filipendula rubra</i> (Hill) B. L. Rob.	Queen-of-the-Prairie
<i>Gentiana alba</i> Muhl. ex Nutt.	Yellow Gentian
<i>Gentiana saponaria</i> L.	Soapwort Gentian
<i>Gentiana villosa</i> L.	Striped Gentian
<i>Glyceria acutiflora</i> Torr.	Sharp-Flowered Manna-Grass
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop
<i>Gymnocarpium appalachianum</i> K. M. Pryer & Haufler	Appalachian Oak Fern
<i>Houstonia purpurea</i> L. var. <i>purpurea</i>	Purple Bluets
<i>Hypericum drummondii</i> (Grev. & Hook) Torr. & A. Gray	Nits-and-Lice
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush
<i>Lathyrus palustris</i> L.	Vetchling
<i>Lemna turionifera</i> Landolt	Winter Duckweed
<i>Leucothoe racemosa</i> (L.) A. Gray	Swamp Dog-Hobble

<i>Scientific Name</i>	<i>Common Name</i>
<i>Liatris scariosa</i> (L.) Willd.	Northern Blazing-Star
<i>Lonicera hirsuta</i> Eaton	Hairy Honeysuckle
<i>Luzula bulbosa</i> (A. W. Wood) Rybd.	Wood-Rush
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Malaxis monophyllos</i> (L.) Swartz var. <i>brachypoda</i> (A. Gray) F. Morris & E. A. Eames	White Adder's-Mouth
<i>Meehanian cordata</i> (Nutt.) Britton	Heart-Leafed Meehanian
<i>Muhlenbergia cuspidata</i> (Torr.) Rydb.	Sharp-Pointed Muhly
<i>Nuphar microphylla</i> (Pers.) Fernald	Small Yellow Pond-Lily
<i>Oenothera pilosella</i> Raf.	Evening-Primrose
<i>Oxydendrum arboreum</i> (L.) DC.	Sourwood
<i>Oxypolis rigidior</i> (L.) Raf.	Stiff Cowbane
<i>Packera plattensis</i> (Nutt.) W. A. Weber & Á Löve	Prairie Ragwort
<i>Panicum flexile</i> (Gatt.) Scribn.	Wiry Witchgrass
<i>Panicum longifolium</i> Torr.	Long-Leaved Panic Grass
<i>Paronychia fastigiata</i> (Raf.) Fernald var. <i>nuttallii</i> (Small) Fernald	Whitlow Wort
<i>Parthenium intergrifolium</i> L.	American Fever-Few
<i>Paspalum floridanum</i> (Michx.) var. <i>glabratum</i> Engelm. ex Vasey	Florida Beadgrass
<i>Paspalum laeve</i> (Michx.) var. <i>pilosum</i> Scribn.	Field Beadgrass
<i>Paspalum setaceum</i> Michx.	Slender Beadgrass
<i>Phlox pilosa</i> L.	Downy Phlox
<i>Phyla lanceolata</i> (Michx.) Greene	Lance Fog-Fruit
<i>Physalis virginiana</i> Mill.	Virginia Ground-Cherry
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed Orchid
<i>Platanthera hookeri</i> (Torr. ex Gray) Lindl.	Hooker's Orchid
<i>Pluchea odorata</i> (L.) Cass.	Shrubby Camphor-Weed
<i>Poa languida</i> A. Hitchc.	Drooping Bluegrass
<i>Podostemum ceratophyllum</i> Michx.	Riverweed
<i>Polygala polygama</i> Walter	Racemed Milkwort
<i>Polygonella articulata</i> (L.) Meisn.	Eastern Jointweed
<i>Polygonum amphibium</i> L. var. <i>stipulaceum</i> (Coleman) Fern.	Stipuled Water-Smartweed
<i>Polygonum ramosissimum</i> Michx.	Bushy Knotweed
<i>Potamogeton filiformis</i> Pers. var. <i>borealis</i> (Raf.) St. John	Slender Pondweed
<i>Potamogeton oakesianus</i> J. W. Robbins	Oakes' Pondweed
<i>Potamogeton perfoliatus</i> L.	Clasping-Stemmed Pondweed
<i>Pycnanthemum verticillatum</i> (Michx.) Pers. var. <i>pilosum</i> (Nutt.) Cooperr.	Hairy Mountain-Mint
<i>Ranunculus aquatilis</i> L. var. <i>diffusus</i> With.	White Water-Crowfoot
<i>Ranunculus flammula</i> L.	Lesser Spearwort
<i>Rhamnus alnifolia</i> L' Hér	Alder-Leaved Buckthorn
<i>Rhynchospora recognita</i> (Gale) Kral	Small Globe Beak-Rush
<i>Ribes lacustre</i> (Pers.) Poir.	Swamp Currant
<i>Rorippa palustris</i> (L.) Besser var. <i>palustris</i> (Gleason, H. A. and A Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Yellow Cress
<i>Rosa virginiana</i> P. Mill.	Virginia Rose
<i>Rubus setosus</i> Bigelow	Small Bristleberry
<i>Rumex hastatulus</i> Baldwin ex Elliott	Heart Sorrell
<i>Salix petiolaris</i> Sm.	Meadow Willow
<i>Salvia reflexa</i> Hornem.	Lance-Leaved Sage

<i>Scientific Name</i>	<i>Common Name</i>
<i>Samolus parviflorus</i> Raf.	Pineland Pimpernel
<i>Saxifraga micranthidifolia</i> (Haw.) Steud.	Lettuce Saxifrage
<i>Scleria triglomerata</i> Michx.	Whip Nut-Rush
<i>Scutellaria saxatilis</i> Riddell	Rock Skullcap
<i>Senna marilandica</i> (L.) Link	Wild Senna
<i>Sisyrinchium albidum</i> Raf.	Blue-Eyed-Grass
<i>Solidago rigida</i> L.	Hard-Leaved Goldenrod
<i>Spiranthes tuberosa</i> Raf.	Slender Ladies'-Tresses
<i>Stachys hyssopifolia</i> Michx.	Hyssop Hedge-Nettle
<i>Stylosanthes biflora</i> (L.) Britton, Stearns & Poggenb.	Pencil-Flower
<i>Symphotrichum dumosum</i> (L.) Nesom	Bushy Aster
<i>Symphotrichum ericoides</i> (L.) Nesom	White Heath Aster
<i>Taxus canadensis</i> Marsh.	American Yew
<i>Trillium flexipes</i> Raf.	Declined Trillium
<i>Triosteum angustifolium</i> L.	Horse Gentian
<i>Tripsacum dactyloides</i> (L.) L.	Eastern Gammagrass
<i>Uvularia pudica</i> Michx.	Mountain Bellwort
<i>Viburnum trilobum</i> Marshall	Highbush-Cranberry
<i>Viola renifolia</i> A. Gray	Kidney-Leaved Violet
<i>Viola tripartita</i> Elliott	Three-parted Violet
<i>Vitis cinerea</i> (Englem. in A. Gray) Englem. ex Millardet var. <i>baileyana</i> (Munson) Comeaux	Poosum-Grape
<i>Wolffia borealis</i> (Engelm.) Landolt	Dotted Dotted Watermeal

[Pa.B. Doc. No. 18-1970. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH [28 PA. CODE CH. 1211]

Medical Marijuana; Research Contracts; Amended Temporary Regulations

The Department of Health (Department) is publishing amended temporary regulations in Chapter 1211 (relating to clinical registrants and academic clinical research centers—temporary regulations) to read as set forth in Annex A. These amended temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 2004 of the act (35 P.S. § 10231.2004) specifically allows the Department to promulgate temporary regulations relating solely to sections 2000—2004 of the act (35 P.S. §§ 10231.2000—10231.2004), regarding academic clinical research centers and clinical registrants, that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

Chapter 1211 pertains to clinical registrants and academic clinical research centers in this Commonwealth who wish to participate in the Medical Marijuana Program. The particular section being added allows for academic clinical research centers to enter into letters of agreement with more than one potential clinical regis-

trant for the purpose of applying for approval as a clinical registrant. By including language in the temporary regulation specifically allowing for more than one letter of intent, the Department hopes to broaden the field of applicants, therefore ultimately being able to approve the highest quality clinical registrants and assuring that the most robust research will occur. Section 1211.27a will expire on December 22, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov. Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape or Braille) may do so by using the previous contact information. For speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

(Editor's Note: Title 28 of the Pennsylvania Code is amended by adding a temporary regulation in § 1211.27a and amending the temporary regulation in § 1211.21 to read as set forth in Annex A.)

Fiscal Note: 10-218. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. MEDICAL MARIJUANA

CHAPTER 1211. CLINICAL REGISTRANTS AND ACADEMIC CLINICAL RESEARCH CENTERS—TEMPORARY REGULATIONS

§ 1211.21. Definitions.

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

* * * * *

Research contract—A written agreement between an approved clinical registrant and a certified ACRC that contains the responsibilities and duties of each party with respect to the research program or research study that the approved clinical registrant and the certified ACRC intend to conduct under this chapter and under which the certified ACRC will provide medical advice to the approved clinical registrant regarding, among other areas, patient health and safety, medical applications, and dispensing and management of controlled substances. This term shall include a letter of intent to enter into an agreement for purposes of a clinical registrant application.

* * * * *

§ 1211.27a. Research contracts.

(a) An applicant for approval as a clinical registrant shall provide, with its application, either an executed agreement or a letter of intent to enter into an agreement, with a certified ACRC, the effective date of which shall be on or after the effective date of the ACRC certification.

(b) A clinical registrant applicant may submit more than one application, with separate applications identifying distinct certified ACRCs.

(c) A certified ACRC may enter into a letter of intent with more than one clinical registrant applicant but may only execute a research contract with one approved clinical registrant.

(d) If more than one applicant for approval as a clinical registrant submits an application that includes a letter of intent with the same certified ACRC, the Department shall follow the following process in approving the applications:

(1) Determine initially that the CR application meets the following qualifications:

- (i) Is complete;
- (ii) Complies with the Act and the Department’s temporary regulations, and
- (iii) Meets the following minimum scoring requirements in each of the following application sections:

<i>Grower Processor Application</i>	<i>Max Points/Section</i>	<i>Minimum Acceptable Score</i>
8—Operational Timetable	75	31
9—Employee Qualifications, Description of Duties and Training	25	11
10—Security and Surveillance	50	21

<i>Grower Processor Application</i>	<i>Max Points/Section</i>	<i>Minimum Acceptable Score</i>
11—Transportation of Medical Marijuana	25	11
12—Storage of Medical Marijuana	25	11
13—Packaging and Labeling of Medical Marijuana	25	11
14—Inventory Management	25	11
15—Management and Disposal of Medical Marijuana Waste	25	11
16—Diversion Prevention	50	21
17—Growing Practice	100	41
18—Nutrient and Additive Practices	100	41
19—Processing and Extraction	100	41
20—Sanitation and Safety	25	11
22—Recordkeeping	25	11
24—Business History and Capacity to Operate	75	31
Attachment D: Site and Facility Plan	50	21

<i>Dispensary Application</i>	<i>Max Points/Section</i>	<i>Minimum Acceptable Score</i>
8—Operational Timetable	100	41
9—Employee Qualifications, Description of Duties and Training	50	21
10—Security and Surveillance	100	41
11—Transportation of Medical Marijuana	50	21
12—Storage of Medical Marijuana	75	31
14—Inventory Management	75	31
15—Diversion Prevention	100	41
16—Sanitation and Safety	50	21
17—Recordkeeping	75	31
19—Business History and Capacity to Operate	75	31
Attachment D: Site and Facility Plan	50	21

(2) The Department shall approve clinical registrant applicants that meet the standards of paragraph (1) in the following order:

(i) A clinical registrant applicant that holds a grower/processor permit and a dispensary permit, both of which are in good standing, and both medical marijuana organizations have been deemed operational by the Department. In applying this preference, the Department will look at the clinical registrant’s primary dispensary location only.

(ii) A clinical registrant applicant that holds a grower/processor permit only that is in good standing and the applicant's medical marijuana organization has been deemed operational by the Department.

(iii) A clinical registrant applicant that holds a dispensary permit only that is in good standing and the applicant's primary dispensary location has been deemed operational by the Department.

(iv) A clinical registrant applicant that holds a grower/processor permit only, that is in good standing, but has not been deemed operational by the Department.

(v) A clinical registrant applicant that holds a dispensary permit only, that is in good standing, but has not had its primary location deemed operational by the Department.

(vi) A clinical registrant applicant that is applying for both a grower/processor permit and dispensary permit under this chapter. Awarding of approval to these clinical registrant applications shall be prioritized by ranking the sum of the grower/processor permit and dispensary permit application scores highest to lowest.

[Pa.B. Doc. No. 18-1971. Filed for public inspection December 21, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 67c]

Nursing Mothers Room Construction

The Department of General Services (Department), under the authority of section 2401.1 of The Administrative Code of 1929 (71 P.S. § 631.1) adds Chapter 67c (relating to nursing mothers room construction—statement of policy) to read as set forth in Annex A.

Section 2401.1(1) of The Administrative Code of 1929 provides the Department with the powers and duties as to new construction, alteration and repairs over \$25,000 base cost. Section 2401.1(2) of The Administrative Code of 1929 provides the Department with the exclusive authority over all construction of capital public improvement projects passed in a Commonwealth Capital Budget or other legislation, and defines public improvement projects to include public buildings for the use of the Commonwealth, State arsenals, armories military reserves, State airports, State institutions of every kind and character, and State-related educational institutions. Section 2401.1(3) of The Administrative Code of 1929 provides the Department with exclusive authority over all Commonwealth repair projects which cost in excess of \$25,000 funded by appropriations in the operating budget. Section 2401.1(5) of The Administrative Code of 1929 authorizes the Department to carry out all construction activities which cost in excess of \$25,000 including all aspects of project management, design and construction, such as preplanning and estimating, legal and administrative services, planning, actual construction, repair and alteration or addition to existing facilities. Section 2401.1(9) of The Administrative Code of 1929 requires the Department to formulate and establish minimum specifications and standards for construction, room design, materials and utilities for all projects to be constructed by or the construction of which is subsidized in whole or in part by the Commonwealth and to be used by any department, board, agency, commission, or State-supported institution, agency or project.

Section 2402(d) of The Administrative Code of 1929 provides the Department with the powers and duties to contract in writing for and rent proper and adequate offices, rooms or other accommodations outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings.

Based on the powers and duties in sections 2401.1 and 2402 of The Administrative Code of 1929, the Department is adding Chapter 67c, which establishes guidelines for the design and implementation of Nursing Mothers Rooms, which are private spaces available to nursing mothers to express breast milk.

Chapter 67c applies to the new construction of Commonwealth-owned buildings and new Commonwealth-leased buildings, and, where feasible, renovations of existing Commonwealth-owned and leased buildings. The policy in Chapter 67c will be incorporated into all Agreements for Professional Services for the design of new and renovated Commonwealth-owned buildings and into the terms of new or amended leased Commonwealth buildings.

Chapter 67c requires at least one Nursing Mothers Room to be created in all new Commonwealth-owned and leased buildings. To the extent feasible, at least one Nursing Mothers Room must be included in all renovations of existing Commonwealth-owned and leased buildings.

Fiscal Impact

This statement of policy will result in an additional cost of approximately \$20,000 per Nursing Mothers Room for all new construction or renovation projects of Commonwealth-owned buildings subject to the policy in Chapter 67c, a rent increase of \$2,000 annually per Nursing Mothers Room for all new construction of Commonwealth-leased buildings subject to this statement of policy, and a rent increase of \$1,477 annually for renovations of existing Commonwealth-leased buildings subject to this Policy.

Paperwork Requirements

This statement of policy will not result in an increase in paperwork for individuals or entities.

Effective Date

This statement of policy is effective upon final publication in the *Pennsylvania Bulletin*.

Contact Person

Specific questions regarding information in this statement of policy may be directed to Mary W. Fox, Assistant Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, 401 North Street, Harrisburg, PA 17120.

CURTIS M. TOPPER,
Secretary

(Editor's Note: Title 4 of the Pennsylvania Code is amended by adding statements of policy in §§ 67c.1—67c.6 to read as set forth in Annex A. This statement of policy is effective upon publication in the Pennsylvania Bulletin.)

Fiscal Note: 8-31. (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

CHAPTER 67c. NURSING MOTHERS ROOM CONSTRUCTION—STATEMENT OF POLICY.

Sec.

- 67c.1. Purpose.
- 67c.2. Scope.
- 67c.3. Definitions.
- 67c.4. Nursing Mothers Room construction policy.
- 67c.5. Nursing Mothers Room design requirements.
- 67c.6. Nursing Mothers Room design recommendations.

§ 67c.1. Purpose.

The Commonwealth complies with Federal and State laws, regulations and policies including but not limited to section 4207 of the Patient Protection and Affordable Care Act which contains requirements for providing accommodations for nursing mothers, and Human Resources Policy HR-WS001, Nursing Mothers Rooms which establishes a Commonwealth-wide policy that accommodates nursing mothers who wish to express breast milk

while at work. This chapter establishes standard guidelines for the construction of Nursing Mothers Rooms in Commonwealth buildings.

§ 67c.2. Scope.

(a) This chapter applies to the new construction of Commonwealth-owned buildings, new Commonwealth-leased buildings, and, where feasible, renovations of existing Commonwealth-owned buildings and Commonwealth-leased buildings. Deviations from this policy require the written approval of the Secretary of General Services or his designee. Independent agencies, State-affiliated entities, and state-related institutions are strongly encouraged to implement this policy for any owned or leased buildings not covered by this chapter.

(b) This policy will be incorporated into all Agreements for Professional Services for the design of new and renovated Commonwealth-owned buildings and into the terms of new or amended Commonwealth-leased buildings.

§ 67c.3. Definitions.

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

Nursing Mothers Room—A private space available to nursing mothers to express breast milk.

Commonwealth-owned buildings—Buildings subject to the control and supervision of the Department as set forth in Section 2402(a) of the Administrative Code of 1929 (71 P.S. § 632(a)), Capital Projects administered by all Executive agencies, and Capital Projects that the Department delegates to other agencies or institutions.

Commonwealth-leased buildings—Buildings leased by the Commonwealth of Pennsylvania for use and occupancy by any Commonwealth agency, board or commission over which Department of General Services maintains the authority to lease under Section 2402(d) of the Administrative Code of 1929 (71 P.S. § 632(d)).

Capital Projects—Those projects listed in a Capital Budget Project Itemization Act.

§ 67c.4. Nursing Mothers Room Construction policy.

(a) At least one Nursing Mothers Room must be created in all new Commonwealth-owned buildings and Commonwealth-leased buildings. To the extent feasible, at least one Nursing Mothers Room must be included in all renovations of existing Commonwealth-owned buildings and Commonwealth-leased buildings.

(b) The location of Nursing Mothers Rooms will be determined in consultation with the Department based upon the operational needs of the agency or institution.

§ 67c.5. Nursing Mothers Room design requirements.

All Nursing Mothers Rooms created under this chapter must:

(1) Be in a location that complies with the Americans with Disabilities Act (ADA). All accessories, equipment, furniture and casework shall be provided and installed to comply with ADA requirements, including but not limited to accessibility clearances and regulations.

(2) Have a minimum square footage of 80 net useable square feet.

(3) Have a privacy latch or locking door hardware, or both so that the door can be locked from the inside.

(4) Provide visual privacy to the space by modifying or covering windows, sidelights and doors.

(5) Provide sound privacy to the space to minimize sound transmission into adjacent spaces, including using sound attenuation insulation if possible.

(6) Include a chair and table, countertop or desk. The chair must be upholstered, cushioned, have armrests, a high back and be of standard seating height.

(7) Provide at least one electrical duplex outlet next to where the individual will be seated.

(8) Contain a waste receptacle.

(9) Meet standard office level illumination and ventilation requirements.

(10) Not be a restroom, toilet stall, storage room or janitor's closet.

§ 67c.6. Nursing Mothers Room design recommendations.

Nursing Mothers Rooms created under this chapter should:

(1) Provide a sink within the Nursing Mothers Room or be adjacent to a kitchenette, breakroom or women's restroom with a sink installed in casework to provide the space necessary to clean equipment and containers.

(2) Contain a refrigerator.

(3) Contain additional electrical outlets throughout the room for greater flexibility in room use/furniture placement, including GFI outlets near any sink locations.

(4) Contain a paper towel and soap dispenser, or if the room does not contain a sink, a wet wipe dispenser.

(5) Contain outlets for voice/data access to allow for possible multipurpose use.

(6) Contain a mirror, preferably full-length.

(7) Include lockers or other facilities to store personal items and equipment.

(8) Contain a coat hook.

(9) Contain exterior hardware that displays the word "occupied" when the door is locked.

[Pa.B. Doc. No. 18-1972. Filed for public inspection December 21, 2018, 9:00 a.m.]

NOTICES

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 December 11, 2018.

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>
11-26-2018	Mifflinburg Bank and Trust Company Mifflinburg Union County	901 State Route 522 Selinsgrove Snyder County	Effective
12-05-2018	InFirst Bank Indiana Indiana County	1007 Georges Station Road Greensburg Westmoreland County	Filed
12-06-2018	Ambler Savings Bank Ambler Montgomery County	1515 The Fairway Rydal Montgomery County (Limited Service Facility)	Approved
12-06-2018	FNCB Bank Dunmore Lackawanna County	360 South Mountain Boulevard Mountain Top Luzerne County	Approved
12-06-2018	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	3314 Lincoln Highway East Paradise Lancaster County	Approved
12-11-2018	Republic First Bank Philadelphia Philadelphia County	830 Third Avenue New York New York County, NY	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-10-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2753 West Main Street Norristown Montgomery County <i>From:</i> 2701 Ridge Pike Trooper Montgomery County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-30-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	3590 West Chester Avenue Newtown Square Delaware County	Closed
11-30-2018	Lafayette Ambassador Bank Bethlehem Northampton County	3397 Bath Pike Bethlehem Northampton County	Closed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 18-1973. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060259 (Sewage)	Tyler Hill Camp 1017 Cochection Turnpike Tyler Hill, PA 18469	Wayne County Damascus Township	Laurel Lake (on Tributary 6248 to North Branch Calkins Creek)—(1-A)	Yes
PA0063401 (Sewage)	Monteforte Enterprises, Inc. 1491 Oliver Road New Milford, PA 18834-7516	Susquehanna County New Milford Township	Unnamed Tributary to Nine Partners Creek (4-F)	Yes
PA0064157 (Sewage)	New Ringgold Borough Wastewater Treatment Facility 112 S. Railroad St. New Ringgold, PA 17960	Schuylkill County New Ringgold Borough	Little Schuylkill River (3-A)	Yes
PA0063819 (Industrial)	Lafayette College Easton, PA 18042	Northampton County Easton City	Bushkill Creek (1-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0262102 (Sew)	Jack A Larkin 275 Pilgert Street Alburtis, PA 18011-2435	Berks County/ Longswamp Township	UNT Little Lehigh Creek/2-C	Y
PA0080093 (Sew)	Carroll Valley Sewer & Water Authority 5685 Fairfield Road Fairfield, PA 17320	Adams County/ Carroll Valley Borough	UNT Tom's Creek/13-D	Y
PA0261866 (Sew)	Kevin & Mariola McGee P.O. Box 596 Birdsboro, PA 19508	Berks County/ Amity Township	UNT Monacy Creek/3-D	Y
PA0032964 (Sew)	DCNR—Cowans Gap State Park 6235 Aigjwoel Road Fort Loudon, PA 17224-9801	Fulton County/ Todd Township	UNT Little Aughwick Creek/12-C	Y
PA0081841 (Sew)	Hershey Preserve 493 S Mt. Pleasant Lebanon, PA 17042-8945	Lebanon County/ South Annville Township	UNT Gingrich Run/7-D	Y
PA0248240 (Sew)	Zemir Alic 191 Shatto Drive Carlisle, PA 17013	Cumberland County/ North Middleton Township	Conodoguinet Creek/7-B	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0229172 (Industrial)	Duncan Township Municipal Water Authority 42 Duncan Township Road Wellsboro, PA 16901-8544	Tioga County Duncan Township	Unnamed Tributary to Wilson Creek (9-A)	Yes
PA0113514 (Sewage)	Madison Township Hilner Project WWTP P.O. Box 620 Millville, PA 17846-0620	Columbia County Madison Township	Unnamed Tributary to Mud Creek (10-D)	Yes
PA0228621 (Sewage)	Smithfield Township Wastewater Treatment Plant P.O. Box 102 East Smithfield, PA 18817-0102	Bradford County Smithfield Township	Tomjack Creek (4-C)	Yes
PA0232360 (Sewage)	Paul & Sarah Eberly SRSTP 1255 Industrial Park Road Milton, PA 17847-8552	Northumberland County West Chillisquaque Township	Unnamed Tributary to Chillisquaque Creek (10-D)	Yes

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

Revision to previous permit notification that was published on December 1, 2018. This notification documents that a draft permit has been issued for comment.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0217689 (Industrial)	Joseph A Berkley WTP 210 Perry Highway Pittsburgh, PA 15229-1862	Allegheny County Neville Township	Ohio River (20-G)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0239976 (Industrial Waste)	Redbank Valley WTP 243 Broad Street New Bethlehem, PA 16242-1001	Clarion County New Bethlehem Borough	Redbank Creek (17-C)	No

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.

PA0247201, Industrial, SIC Code 4941, **Lancaster City Water Bureau Lancaster County**, P.O. Box 1599, Lancaster, PA 17608-1599. Facility Name: Susquehanna Water Treatment Plant. This existing facility is located in West Hempfield Township, **Lancaster County**.

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

The receiving stream(s), Strickler Run, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.18 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	0.9	XXX	XXX	0.05	XXX	0.16
Total Suspended Solids	Report	Report	XXX	30	60	75
Aluminum, Total	13.6	27.3	XXX	0.75	1.5	1.9
Iron, Total	34.5	69.1	XXX	1.9	3.8	4.8
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5

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

The EPA Waiver is in effect.

PA0261939, Sewage, SIC Code 6514, **Sprout Brandy & Sprout Jason**, 790 Oliver Street, Newport, PA 17074-8901. Facility Name: Sprout Res. This existing facility is located in Oliver Township, **Perry County**.

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

The receiving stream(s), Unnamed Tributary to Juniata River, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	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	1,000

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

The EPA Waiver is in effect.

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

PA0026239, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401. Facility Name: Spring Creek Pollution Control Facility. This existing facility is located in Benner Township, **Centre County**.

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

The receiving stream(s), Spring Creek, is located in State Water Plan watershed 9-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	6.0 Annl Avg	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	500	750	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	500	750	XXX	10.0	15.0	20
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)						
(lbs)						
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
(lbs)						
Ammonia-Nitrogen						
Jan 1 - 31	225	335	XXX	4.5	6.7	9
Feb 1 - 28	250	375	XXX	5.0	7.5	10
Mar 1 - 31	275	410	XXX	5.5	8.2	11
Apr 1 - 30	200	300	XXX	4.0	6.0	8
May 1 - 31	150	225	XXX	3.0	4.5	6
Jun 1 - 30	125	185	XXX	2.5	3.7	5
Jul 1 - Nov 30	50	75	XXX	1.0	1.5	2
Dec 1 - 31	200	300	XXX	4.0	6.0	8
Ammonia-Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
(lbs)						
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Phosphorus, Dissolved	6.5	XXX	XXX	0.13	XXX	0.26
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total (µg/L)	2.68	5.37	XXX	53.69	107.3	134.2
Sulfate, Total	XXX	Daily Max	XXX	XXX	Daily Max	XXX
		Report			Report	
Zinc, Total	16.01	Daily Max	XXX	0.32	Daily Max	0.8
		Report			Report	
Chloride	XXX	Daily Max	XXX	XXX	Report Daily	XXX
		Report			Max	
Bromide	XXX	Daily Max	XXX	XXX	Report	XXX
		Report			Daily Max	
Bis(2-Ethylhexyl)Phthalate (µg/L)	0.56	1.13	XXX	11.32	22.64	28.3
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Cadmium, Total (µg/L)	XXX	Report	XXX	XXX	Report	XXX
Lead, Total	XXX	Daily Max	XXX	XXX	Daily Max	XXX
		Report			Report	
		Daily Max			Daily Max	

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	164,381	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual	XXX	XXX	XXX	XXX
		Report				
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual	XXX	XXX	XXX	XXX
		Report				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual	XXX	XXX	XXX	XXX
		Report				
Effluent Net	XXX	21,918	XXX	XXX	XXX	XXX
		Total Annual				

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

Sludge use and disposal description and location(s): The facility creates Class A biosolids marketed for public use.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

PA0232998, Sewage, SIC Code 4952, **Eldred Township**, 5558 Warrensville Road, Montoursville, PA 17754-9022. Facility Name: Eldred Township Municipal Township Bldg SFTF. This proposed facility is located in Eldred Township, **Lycoming County**.

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

The receiving stream(s), Mill Creek, is located in State Water Plan watershed 10-B and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min Report Avg Mo	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

PA0233005, Sewage, SIC Code 4952, **Michael W. & Robin J. Fleming**, 1197 Pleasant Hills Road, Williamsport, PA 17701. Facility Name: Michael W & Robin J Fleming. This proposed facility is located in Eldred Township, **Lycoming County**.

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

The receiving stream(s), Unnamed Tributary of Millers Run, is located in State Water Plan watershed 10-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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 Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	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
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 6618404, Sewage, **Lemon Township Tunkhannock Township Joint Municipal Sewer Authority**, 113 Tunkhannock Twp Drive, Tunkhannock, PA 18657.

This proposed facility is located in Tunkhannock Township, **Wyoming County**.

Description of Proposed Action/Activity: This is a proposal to build and operate a new 0.120 MGD sewage treatment plant to service 382 existing homes with future provisions for an additional 98 new residences. The design proposal is for an Oxidation Ditch treatment system employing an activated sludge process. It will also utilize an influent screen, sludge holding tank, dual clarifiers and dual Ultra Violet Disinfection units. The treated effluent will discharge to Tunkhannock Creek under NPDES Permit PA0276073.

WQM Permit No. 4818405, Sewage, **Bethlehem Township Municipal Authority**, 3535 Orth Street, Bethlehem, PA 18020.

This proposed facility is located in Bethlehem Township, **Northampton County**.

Description of Proposed Action/Activity: The project is for the construction of a pump station to serve portions of the proposed Traditions of America subdivision, the proposed Mill Creek Corporate Campus, and other existing parcels. Two pumps (one on standby) rated for 207 gallons per minute at 48.4 ft TDH will convey wastewater to a 4-inch force main. The wet well-mounted pump station includes a control building, emergency generator, ventilation, and other associated appurtenances.

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

WQM Permit No. WQG02671803, Sewerage, **York Regent Acres, LP**, 4775 North Sherman St., Unit 1, Mt. Wolf, PA 17437.

This proposed facility is located in Fairview and Newberry Townships, **York County**.

Description of Proposed Action/Activity: Applicant applying for new Sewage Pumping Station.

WQM Permit No. 6718405, Sewerage, **Jackson Twp. Sewer Authority**, 439 Roths Church Rd, Spring Grove, PA 17362.

This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Applicant is applying for pump station replacements.

WQM Permit No. WQG02221802, Sewerage, **Susquehanna Twp. Authority**, 1900 Linglestown Rd., Harrisburg, PA 17110-3302.

This proposed facility is located in Susquehanna Twp., **Dauphin County**.

Description of Size and Scope of Proposed Operation/Activity: Applicant is applying for a Water Quality Management General Permit for Sewer Extension.

WQM Permit No. WQG02501801, Sewerage, **Penn Township Municipal Authority**, 102 Municipal Building Road, Duncannon, PA 17020-1130.

This proposed facility is located in Penn Twp., **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: Applicant is applying for a Water Quality Management General Permit for Sewer Extension.

WQM Permit No. 1518201, CAFO, **Mason's Chrome View, Ltd.**, 86 Chrome Rd, Nottingham, PA 19362.

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

Description of Size and Scope of Proposed Operation/Activity: Applicant is applying for a Water Quality Management.

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

WQM Permit No. 368S010 A-3, Sewage, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001-1421.

This existing facility is located in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Markey Run Interceptor Improvement Project.

WQM Permit No. 6518406, Sewage, **Hastings Richard**, P.O. Box 1466, Andover, OH 44003-1466.

This proposed facility is located in Nottingham Township, **Washington County**.

Description of Proposed Action/Activity: Installation/construction of a SRSTP to abate an on-lot malfunction.

WQM Permit No. 0308201 A-1, Industrial, **Alliance Petroleum Corporation**, 101 McQuiston Drive, Jackson Center, PA 16133-1633.

This existing facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Transfer of permit and installation of two (2) 100-barrel flow equalization tanks, a physical/chemical treatment with automatic, flow proportioned sodium sulfate feed and flocculation treatment with automatic, flow proportioned polymer feed, prior to existing precipitation ponds, for the reduction of total barium.

WQM Permit No. 2618401, Sewage, **Connellsville Municipal Authority**, P.O. Box 925, Connellsville, PA 15425-0925.

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

Description of Proposed Action/Activity: Replacement, expansion and upgrade of existing sewage treatment plant and pump stations to addresses combined sewage overflows. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

IV. NPDES Individual Permit Applications for Stormwater Discharges from MS4.

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

PAI132249, MS4, **Archbald Borough Lackawanna County**, 400 Church Street, Archbald, PA 18403. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Archbald Borough, **Lackawanna County**. The receiving streams, Lackawanna River and Wildcat Creek, is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes, Migratory Fishes, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

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

PAI133522, MS4, **Womelsdorf Borough Berks County**, 101 West High Street, Womelsdorf, PA 19567. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Womelsdorf Borough, **Berks County**. The receiving stream(s), Tulpehocken Creek and Unnamed Tributary of Tulpehocken Creek, is located in State Water Plan watershed 3-C and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510038	NewCourtland Elder Services 6970 Germantown Avenue Philadelphia, PA 19119	Philadelphia	City of Philadelphia	Delaware River WWF

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

Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350010	Moscow DPP, LLC 9010 Overlook Blvd. Brentwood, TN 37027	Lackawanna	Moscow Borough	Langan Creek (HQ-CWF, MF) Van Brunt Creek (HQ-CWF, MF)

Lehigh County Conservation District, 4184 Dorney Park Road, Allentown, PA 18104-5728.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390104	Woodmont at Upper Mac, LP 100 Passaic Ave, Ste 240 Fairfield, NJ 07004	Lehigh	Upper Macungie Township	Cedar Creek (HQ-CWF, MF)

VII. List of NOIs for NPDES and/or Other General Permit Types.

PAG-12	CAFOs
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CAFO Notices of Intent Received.

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

NPDES Permit No. PAG123611, CAFO, **Petre Daniel L**, 3409 Smoketown Road, Spring Grove, PA 17362.

This existing facility is located in Manheim Township, **York County**.

Description of size and scope of existing operation/activity: Poultry (Layers), Beef (Finishing): 513.34 AEUs.

The receiving stream, Unnamed Tributary to Codorus Creek and Unnamed Tributary to West Branch Codorus Creek, is in watershed 7-H and classified for: Migratory Fishes, Warm Water Fishes, and Trout Stocking.

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.

MS4 PAG-13 Notices of Intent Received.

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

NPDES Permit No.	Applicant Name & Address	Municipality, County	Waiver Application Submitted (Y/N)	Pollutant Reduction Plan Submitted (Y/N)
PAG136404	Luzerne Township 415 Hopewell Road Brownsville, PA 15417	Luzerne Township, Fayette County	N	Y

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).

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5980.

Permit No. 0918525, Public Water Supply.

Applicant	PA American Water Company 1145 Edgewood Road Yardley, PA 19067
Township	Yardley

County	Bucks
Responsible Official	David R. Kaufman 1145 Edgewood Road Yardley, PA 19067
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106
Application Received Date	December 6, 2018
Description of Action	Disinfection modifications at the Yardley Plant, including addition of UV disinfection.

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

Application No. 4818506, Public Water Supply.

Applicant	Easton Suburban Water Authority P.O. Box 3819 Easton, PA 18043-3819
[Township or Borough]	Lower Nazareth Township
Responsible Official	Roy White, Manager Easton Suburban Water Authority P.O. Box 3819 Easton, PA 18043-3819
Type of Facility	PWS
Consulting Engineer	David E. Marks, PE Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106
Application Received Date	12/03/2018
Description of Action	Project involves the construction of a new pumping station to serve the Lower Nazareth service area as well as the installation of approximately 9,500 lineal feet of suction and discharge mains including the replacement of water main along Hecktown Road. The project also includes the replacement of approximately 7,600 lineal feet of water main on Route 191.

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

Permit No. 0718506, Public Water Supply.

Applicant **Altoona Water Authority**
 Municipality Antis Township
 County **Blair**
 Responsible Official Mark A. Perry, General Manager
 900 Chestnut Avenue
 Altoona, PA 16601

Type of Facility Public Water Supply
 Consulting Engineer Christopher M. Echenrode, PE
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602

Application Received: 11/19/2018
 Description of Action Upgrades to the existing
 Bellwood Water Treatment Plant
 including new membrane
 filtration system, liquid oxygen
 system, and chemical feed
 system upgrades.

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

Permit No. 2018502, Public Water Supply.

Applicant **BPOE Meadville Lodge 219**
 Township or Borough City of Meadville
 County **Crawford**
 Responsible Official Dennis Duryea
 Type of Facility Public Water Supply
 Consulting Engineer Dennis Duryea, PE
 DDsquared
 220 Sylvan Drive
 Lower Burrell, PA 15068

Application Received Date December 4, 2018
 Description of Action 30 gal hypochlorite tank for
 compliance with 4-Log
 Treatment

WATER ALLOCATIONS

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.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 22-1038A, Water Allocations. **Pennsylvania American Water (PWS ID No. 7220017), Dauphin County.** The right to purchase a maximum of 800,000 gallons per day (gpd), based on a thirty (30) day average, from the City of Lebanon Authority through an existing interconnection located in Annville Township, **Lebanon County.** Applicant Address: David R. Kauffman, Vice-President—Engineering, Pennsylvania-American Water, 800 West Hershey Park Drive, Hershey, PA 17033. Consulting Engineer: Anthony M. Nokovich, PE, PA American Water, 852 Wesley Drive, Mechanicsburg, PA 17055. Application Received: 10/12/2018.

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.

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

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

06-05007Q: Carpenter Technology Corp. (101 Bern Street, Reading, PA 19601) to restart the Block 1 steel coil cleaning line in their specialty steel alloy manufacturing facility located in the City of Reading, **Berks County**. There will be no potential emission increases from this project to restart the Block 1 coil cleaning line, due to emission limits being placed on it, and other equipment. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements 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, and 40 CFR 63 Subpart DDDDD. Based on these findings, the Department proposes to issue a plan approval for the proposed restart of the Block 1 coil cleaning line. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

08-00052B: REV LNG SSL BC, LLC (120 Tredgar St., Richmond, VA 23219) for the construction of three 2,175 bhp Caterpillar G3516C, 4-stroke, ultra-lean burn, natural gas fired generator engines, each equipped with an oxidation catalyst, at the proposed Towanda liquified natural gas (LNG) facility located in Herrick Township, **Bradford County**. The project also includes the following sources: one 302 bhp Kohler 200 REZXB standby generator equipped with an oxidation catalyst; three 60,000 gallon LNG storage tanks; an LNG truck loading station; and various fugitive emissions. The Department of Environmental Protection's (Department'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 National Emission Standards for Hazardous Air Pollutants for Stationary Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63.6580—63.6675, the Standards of Performance for Stationary Spark Ignition Inter-

nal Combustion Engines, 40 CFR 60.4230—60.4248, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from each proposed Caterpillar engine included in this project will not exceed the following limits: 0.50 g/bhp-hr and 10.50 TPY NO_x, 0.20 g/bhp-hr and 4.20 TPY CO, 0.15 g/bhp-hr and 3.15 TPY VOCs, 0.000588 lbs/MMBtu and 0.04 TPY SO_x, 0.00999 lbs/MMBtu and 0.74 TPY PM, 0.05 g/bhp-hr and 1.05 TPY formaldehyde; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: restrict the engines to natural gas firing only; performance testing requirement for all Caterpillar engines to verify compliance with the emissions limitations; in addition to performance testing, establish follow-up portable analyzer testing for NO_x and CO for all Caterpillar engines every 2,500 hours of operation; establish a facility-wide leak detection and repair (LDAR) program to account for fugitive emissions from high pressure natural gas connections.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 08-0052B, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

59-00037A: Energy Water Solutions, LLC (9070 Gleannloch Forest Dr., Ste. 100, Spring, TX 77379) for the construction of three produced water evaporator/concentrator (VOX) systems, each equipped with a 9.5 MMBtu/hr, natural gas-fired burner and set of drift eliminators and each powered by a 60 kW, natural gas-fired engine/generator set, at EQT Production Company's existing Phoenix S Well Pad located in Duncan Township, **Tioga County**.

The Department of Environmental Protection's (Department'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 National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63.6580—63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4230—60.4248, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from each proposed VOX system included in this project will not exceed the following limits: 0.0023 grain per dry standard cubic foot and 6.87 TPY PM (filterable and condensable), 2.7 TPY VOCs for all three VOX units combined; no visible

emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: restrict the VOX systems' burners and generator engines to natural gas firing only; performance testing requirement for one of the VOX systems to verify compliance with the particulate matter emissions limitation; require periodic monitoring of the Phoenix S Well Pad water; restrict the VOX systems to processing only waters generated at the Phoenix S Well Pad; prohibit the VOX systems from processing waters that contain methanol unless prior Department approval is obtained.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00037A, the applicants will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

16-132N: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254), for the proposed facility VOC limit to become a synthetic minor for VOC in Paint Township, **Clarion County**. This is a Title V facility and will remain Title V after approval. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 16-132N is for the proposed facility VOC limit to become a synthetic minor VOC facility. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Site:
- VOC emissions from the facility shall not exceed 49.5 tpy on a 12-month rolling basis. The facility consists of the Boards & Laminates plants.
- Records shall be retained for a minimum of five (5) years and shall be made available to the Department, upon request.
- The owner or operator of the facility shall maintain records that clearly demonstrate that the facility is not a major source of VOC emissions. In addition, the owner or operator shall keep records to verify compliance with the facility-wide VOC emission limitation of 49.5 tpy. The records shall be maintained, at a minimum, on a monthly basis and the emissions shall be calculated on a 12-month

rolling basis. VOC emissions from sources that have conducted approved stack testing shall be calculated using the results from the latest Department approved stack testing along with actual production records. VOC emissions from sources that have not conducted approved stack testing shall be calculated using Department approved emission factor along with actual production records.

- The facility shall submit an Application for Action for both the Boards Facility and the Laminates Facility to incorporate conditions from this plan approval into the respective facility operating permit.
- All conditions from the Laminate facility operating permit (16-00149) revised on November 8, 2017, remain in effect unless modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-132N], and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

43-252B: Grove City College (100 Campus Drive, Grove City, PA 16127), for the modification of Boiler 034 for natural gas to be the primary fuel with fuel oil as backup in Grove City Borough, **Mercer County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in

accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 43-252B is for the proposed modification of Boiler 034 (Source 034) by adding fuel oil as a backup fuel. The potential emissions after the modification for Boiler 034 are as follows: 0.90 tpy for PM, 0.795 tpy for PM₁₀, 0.717 tpy for PM_{2.5}, 11.12 tpy for NO_x, 7.51 tpy for SO_x, 8.11 tpy for CO, and 0.521 tpy for VOC. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Site Level:
 - No changes from plan approval 43-252A
 - Source 031 (Boiler 031):
 - No changes from plan approval 43-252A
 - Source 032 (Boiler 032):
 - No changes from plan approval 43-252A except for the following:
 - The following condition from plan approval 43-252A is deleted: Boilers 032 & 033 combined shall not exceed # 2 Fuel Oil usage of 210,000 gallons per year based on a consecutive 12-month period.
 - Source 033 (Boiler 033):
 - No changes from plan approval 43-252A except for the following:
 - Boilers 033 & 034 combined shall not exceed # 2 Fuel Oil usage of 210,000 gallons per year based on a consecutive 12-month period. [This condition replaces the following condition from plan approval 43-252A: Boilers 032 & 033 combined shall not exceed # 2 Fuel Oil usage of 210,000 gallons per year based on a consecutive 12-month period.]
 - Source 034 (Boiler 034):
 - No changes from plan approval 43-252A except for the following:
 - Subject to 40 CFR 60 Subpart Dc
 - The source shall be capable of reducing NO_x and CO emissions to or below:
 - NO_x: 30 ppmvd @ 3% O₂ when firing natural gas
 - NO_x: 90 ppmvd @ 3% O₂ when firing fuel oil
 - CO: 300 ppmvd @ 3% O₂
 - The source shall burn gaseous fuels not combined with any solid fuels and burn liquid fuel only during periods of gas curtailment, gas supply interruption, start-ups, or periodic testing on liquid fuel. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year.
 - The source shall be fired only on gas (natural or liquefied petroleum) or No. 2 commercial fuel oil to which there has been no reclaimed or waste oil or other waste materials added. [This condition replaces the following condition from plan approval 43-252A: The source shall only burn natural gas as a fuel.]
 - Boilers 033 & 034 combined shall not exceed # 2 Fuel Oil usage of 210,000 gallons per year based on a consecutive 12-month period.

- The permittee shall perform a stack test for SO_x in accordance with 25 Pa. Code Chapter 139 and US EPA Reference Method 8 or equivalent test procedure with the source at rated capacity and burning only # 2 Fuel Oil within 90 days of burning # 2 Fuel Oil for greater than a combined total of 48 hours during the 5-year term of the facility operating permit. The permittee shall report the results (as SO₂) of this test in units consistent with the emission limitation (lb/MMBtu) and the emission factor used for compliance (lb SO_x per 1,000 gallons # 2 Fuel Oil burned).

- The permittee shall maintain the following:
 - Operating log of steam flow (lbs/hr)
 - Natural gas usage (cf/hr)
 - Fuel oil usage (gallons/hr)
 - Source 035 (Miscellaneous Natural Gas Consumption):
 - No changes from plan approval 43-252A

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [43-252B], and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

OPERATING PERMITS

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

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

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

23-00001: Sunoco LLC, Marcus Hook Refinery (100 Green Street, Marcus Hook, PA 19061) for the operation of a gasoline blending plant in Marcus Hook Borough, **Delaware County**. As a result of potential emissions of VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. There are currently no new sources and no new applicable regulations to this facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting for the remaining sources at the facility.

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.

28-05028: Chambersburg Energy, LLC (225 Alleman Road, Chambersburg, PA 17201) for the operation of the electrical generation station located in Guilford Township, **Franklin County**. The facility 2017 actual air emissions were 39.77 tons of CO, 68.4 tons of NO_x, 0.14 ton of PM₁₀, 0.7 ton of SO_x, 1.82 ton of VOC, and 0.62 ton of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 60, Subpart GG-Standards of Performance for Stationary Gas Turbines, and Cross-State Air Pollution Rule (CSAPR) requirements.

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

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

10-00001: AK Steel Corporation, Butler Works (Route 8 South, Butler, PA 16001), the Department intends to issue the renewal of the Title V Operating Permit of a steel mini-mill facility, located in Butler Township, **Butler County**, that manufactures flat-rolled electrical and stainless steel and supplies stainless semi-finished slabs. As of this renewal, there are 82 permitted sources at the facility that include electric arc furnaces (EAF), an argon-oxygen decarburization (AOD) reactor, a ladle metallurgical facility (LMF), continuous casters, cold rolling mills, pickle lines, boilers, furnaces, heaters, and other various units needed to perform steel melting, casting, rolling, and finishing. The facility is a major source of CO, NO_x, PM₁₀, SO_x, and VOCs. Meeting the criteria pursuant to 40 CFR 64.2(a)(1)—(3), the two EAFs, the AOD reactor, the LMF, and one cold rolling mill have been subject to Compliance Assurance Monitoring (CAM) requirements for PM/PM₁₀ emissions. In this renewal, a back-up boiler and a heater are incorporated as permitted sources. With the facility subject to Addi-

tional Reasonably Available Control Technology for Major Sources of NO_x and VOC (RACT II, 25 Pa. Code §§ 129.96—129.100), applicable RACT II presumptive requirements are incorporated into the operating permit. Proposed changes to reduce frequencies for several testing, monitoring, and reporting conditions established through PA 10-0010 have also been granted. An on-going plan approval (PA 10-001P) is incorporated into the permit by reference. The RACT II alternative requirements (Case-by-Case) will be reviewed separate from this renewal.

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

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

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

09-00048: H & K Materials, Inc. (300 Skunk Hollow Road, Chalfont, PA 18914) for renewal of a State Only, Synthetic Minor Operating Permit in Hilltown Township, **Bucks County**. H & K Materials operates an Asphalt Plant at this site. Plan Approval 09-0048E has been incorporated into the permit. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 12.40 tons per year. The batch asphalt plant, without the Duodrum, shall not exceed the following: CO < 79 TPY; PM₁₀ < 8.29 TPY; SO_x < 11.85 TPY; NO_x < 10.27 TPY; VOC as propane < 5.73 TPY. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

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

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

54-00035: Tredegar Corporation (30 Maple Avenue, Pottsville, PA 17901). The Department intends to issue a renewal State-Only (Natural Minor) Permit to manufacture unsupported plastics, film, and sheet facility located in Norwegian Township, **Schuylkill County**. The primary sources consist of fifteen (15) plastic extrusion lines. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed 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 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.

22-03048: Reiff & Nestor Co. (P.O. Box 147, Lykens, PA 17048) for the operation of a steel tap manufacturing plant in Lykens Borough, **Dauphin County**. This is for the renewal of the existing State-only operating permit. The facility is a minor source of particulate matter emissions related to machining and grinding operations and an insignificant source of chromic acid mist from

hard chrome plating operations. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

07-03063: Sorge Funeral Home, Inc. (422 North Juniata Street, Hollidaysburg, PA 16648) to issue a Natural Minor Operating Permit for the operation of a Human Crematory 1 in the Borough of Hollidaysburg, **Blair County**. The crematory is controlled by an afterburner. The subject facility has estimated potential emissions of 2.29 tons of nitrogen oxide, 1.91 ton of carbon monoxide, 1.62 ton of particulate matter, 0.72 ton of sulfur dioxide, and 0.16 ton of volatile organic compounds from this operation. 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.

67-05140: Bulk Dried Materials, LLC (900 North Hartley Street, York, PA 17404) to issue a State-Only Operating Permit for the operation of a thermal sand dryer in the City of York, **York County**. Thermal Sand Dryer is controlled by a fabric collector. The subject facility has estimated potential Particulate Matter controlled emissions from this operation of 9.29 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, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

65-00623: Wabtec Rubber Products, Inc. (269 Donahoe Road, Greensburg, PA 15601) Natural Minor Operating Permit is for a facility that produces rubber products for railroad applications and is located in Hempfield Township, **Westmoreland 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 a urethane spray booth controlled by particulate filters, a mixing area controlled by two dust collectors, a few natural gas-fired heating sources, and one small rubber grinder. Facility-wide potential emissions are projected to be 6.54 TPY VOC, 6.03 TPY NO_x, 5.06 TPY CO, 1.95 TPY HAP, 0.54 TPY PM₁₀, 0.54 TPY PM_{2.5}, and 0.04 TPY SO_x. The facility is required to conduct weekly 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 operation 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 Trainee, 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 (65-00623) 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 Trainee, at the previously listed address. For additional information concerning the permit or the issuance procedure, contact Bradley Spayd at the same previously listed address or phone at (412) 442-5227.

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

56-00294: New Enterprise Stone and Lime Co. (1715 Water Level Road, Somerset, PA 15501) Synthetic Minor Operating Permit is for an asphalt plant located in Jefferson Township, **Somerset 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. The asphalt plant is considered the single source of emissions at this site and is controlled by a cyclone and baghouse system. There are production limits to keep the facility under Title V thresholds. Periodic testing using a portable analyzer is required for CO emission monitoring. With the production limit, facility-wide potential emissions are 99.9 TPY CO, 48.6 TPY NO_x, 22.6 TPY SO_x, 8.9 TPY total HAP, 5.6 TPY VOC, and 1.7 TPY PM₁₀. Actual production at this facility is much lower than the production limit. Hence, actual emissions are anticipated to be much lower than those previously stated. 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 operation 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 Trainee, 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 (56-00294) 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 newspa-

per 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 Trainee, at the previously listed address. For additional information concerning the permit or the issuance procedure, contact Bradley Spayd at the same previously listed address or phone at (412) 442-5227.

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

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

40-00063B: Kappa Graphics, L.P. (50 Rock Street, Pittston, PA 18604) for their facility in Hughestown Borough, Luzerne County.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Kappa Graphics, L.P. (50 Rock Street, Pittston, PA 18604) for their facility in Hughestown Borough, Luzerne County. This Plan Approval No. 40-00063B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00063B is for the installation of one (1) non-heatset web printing press and (1) heat set web printing press with two (2) natural gas dryers controlled by a regenerative thermal oxidizer (RTO) with VOC destruction efficiency of 98%. Volatile Organic Compound (VOC) emissions from the facility will remain under their 50 TPY limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions and 25 Pa. Code § 129.67 for surface coatings and use of an RTO. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00063B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

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

Permit No. 11130201 and NPDES PA0269280. Ebensburg Power Co., 11 Lloyd Ave, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Richland and Paint Townships, **Cambria and Somerset Counties**, affecting 63.6 acres. Receiving stream:

Paint Creek, classified for the following use, trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 28, 2018.

Noncoal Applications Received

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

| <i>Parameter</i> | <i>Table 2</i> | | |
|--------------------------------------|-----------------------|---------------------------------|------------------------------|
| | <i>30-day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Alkalinity exceeding acidity*
pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

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

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

Permit No. 58130807. William Shay, (258 Shay Road, Thompson, PA 18465), Stage II bond release of a quarry operation in Gibson Township, **Susquehanna County** affecting 1.0 acre on property owned by Harold Davis. Application received: November 15, 2018.

Permit No. 7373SM1C6 and NPDES No. PA0595683. H & K Group, Inc., (P.O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County** affecting 20.0 acres, receiving stream: Stony Creek, classified for the following use: Exceptional Value Waters. Application received: November 21, 2018.

Permit No. 64030806. G.K. Flagstone, Inc., (405 State Route 374, Nicholson, PA 18446), Stage I & II bond release of a quarry operation in Lebanon Township, **Wayne County** affecting 3.0 acres on property owned by Upper Woods Hunting Club, Inc. Application received: November 21, 2018.

Noncoal Applications Withdrawn

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

Permit No. 7773SM1A2C17. H & K Group, Inc., (P.O. Box 196, Skippack, PA 19474), correction to an existing quarry operation to add a water plant and dewatering plant in Douglass Township, **Berks County** affecting 243.95 acres, receiving stream: unnamed tributaries to the Schuylkill River. Application received: June 8, 2018. Application withdrawn: December 4, 2018.

Permit No. 7473SM2A1C24. Hercules Cement Co., LP d/b/a Buzzi Unicem USA, (501 Hercules Drive, Stockertown, PA 18083), correction to an existing quarry for a boundary and depth correction in Palmer and Upper Nazareth Townships, **Northampton County** affecting 298.3 acres, receiving streams: Bushkill and Schoeneck Creek. Application received: September 14, 2015. Application withdrawn: December 5, 2018.

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 |

| <i>Parameter</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instantaneous
Maximum</i> |
|----------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH* | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity* | | | |

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0607550 (Mining Permit No. 11830102), M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, renewal of an NPDES permit for bituminous surface mine in Lower Yoder Township, **Cambria County**, affecting 25.0 acres. Receiving stream: unnamed tributary to St. Clair Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: November 28, 2018.

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

The following outfall discharges to unnamed tributary to St. Clair Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 001 | N |

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

| <i>Outfalls:
Parameter</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instant.
Maximum</i> |
|---|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 1.7 | 3.4 | 4.2 |
| Aluminum (mg/l) | 1.2 | 2.4 | 3.0 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| Temperature (°C) | | | Report |
| Specific Conductance (mohs/cm) | | | Report |
| Sulfate (mg/l) | | | Report |
| Flow (gpm) | | | Report |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. | | | |
| Alkalinity must exceed acidity at all times. | | | |

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

NPDES No. PA0259667 (Permit No. 33180101). P. and N. Coal Company, Inc. (P.O. Box 332, Punxsutawney, PA 15767) Revision to add an addition sedimentation trap to an existing NPDES permit for a bituminous surface mine in Rose & Clover Townships, **Jefferson County**, affecting 190.3 acres. Receiving streams: Unnamed tributaries to Rattlesnake Run and Rattlesnake Run; unnamed tributaries to Redbank Creek, all classified for the following uses: CWF. TMDL: Redbank Creek. Application received: October 25, 2018.

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

The following outfalls discharge to unnamed tributaries to Rattlesnake Run and Rattlesnake Run, unnamed tributaries to Redbank Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| TB1 | N |
| TB2 | N |
| TB3 | N |
| TB4 | N |
| TB5 | N |

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

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instant.
Maximum</i> |
|--|----------------|---------------------------|--------------------------|-----------------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Alkalinity greater than acidity ¹ | | | | |
| Iron (mg/l) | | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | | 0.75 | 0.75 | 0.75 |
| Total Suspended Solids (mg/l) | | 35.0 | 70.0 | 90.0 |
| Osmotic Pressure (milliosmoles/kg) | | | | 50.0 |

¹ The parameter is applicable at all times.

The following outfalls discharge to unnamed tributaries to Rattlesnake Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| ST1 | N |
| ST2 | Y |

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

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instant.
Maximum</i> |
|--|----------------|---------------------------|--------------------------|-----------------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Alkalinity greater than acidity ¹ | | | | |
| Iron (mg/l) | | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | | 0.75 | 0.75 | 0.75 |
| Total Suspended Solids (mg/l) | | 35.0 | 70.0 | 90.0 |
| Osmotic Pressure (milliosmoles/kg) | | | | 50.0 |

¹ The parameter is applicable at all times.

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

NPDES No. PA0278355 (Mining Permit No. 26-17-02), Harry Lee, 413 West Church Avenue, Masontown, PA 15461. New NPDES permit for Government-Financed Construction Contract in Nicholson Township, **Fayette County** affecting 6.4 acres. A 500-foot variance is requested to affect within 10 feet of UNT A for removal of coal refuse and to stabilize the slope. Receiving stream(s): UNT A to Monongahela River and Monongahela River classified for the following use: WWF. Application received: November 20, 2018. There will be no discharge from this site.

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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570.826.2511.

E45-616. Hamilton Township Supervisors, Lawrence Buzzard Chairman, 229 Fenner Ave, P.O. Box 285, Sciota, PA 18354, in Hamilton Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing stormwater outfall and to construct and maintain a new stormwater outfall in a different location along Manor Drive (T-318) as part of the SR 2010/Manor Drive superstructure replacement/drainage improvements project located along Manor Drive (T-318) within the floodplain of McMichael Creek (HQ-CWF, MF). (Saylorsburg, PA Quadrangle, Latitude: 40° 57' 55.9188"; Longitude: -75° 15' 26.0964").

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

E02-1803, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Lincoln Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Remove the existing 37.5' long 18" corrugated metal pipe carrying SR 2023 over an unnamed tributary to Wylie Run (WWF) with a drainage area less than 100 acres; construct and maintain a replacement 80' long 18" CMP in the same location.

2. To construct and maintain a 15' extension to the existing 35' long 18" CMP conveying SR 2023 over a second UNT to Wylie Run (WWF) with a drainage area less than 100 acres. The total pipe length will be 50'.

3. Place and maintain 7,402 square feet of fill in the floodway of a third UNT to Wylie Run (WWF) with a drainage area of approximately 100 acres.

4. Place and maintain fill in a de minimis 0.01 acre of PEM/PFO wetland.

5. Construct and maintain roadway associated stormwater facilities.

6. Temporarily impact 441' of stream and 0.035 acre of PEM/PFO wetland for the purpose of constructing these encroachments.

7. No wetland mitigation is required. Stream mitigation will occur onsite.

These impacts are associated with a landslide remediation project along SR 2023 (Harrison Road). The project site is located approximately 0.75 mile from the intersection of Harrison Road and Lovedale Road (McKeesport, PA USGS topographic quadrangle; N: 40°, 17', 26.2"; W: -79°, 51', 18.6"; Sub-basin 19C; USACE Pittsburgh District), in Lincoln Borough, Allegheny County.

E32-523, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, White Township, **Indiana County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a 175' long extension to the existing 180' long 48" reinforced concrete pipe enclosure conveying SR286 over an unnamed tributary to McCarthy Run (CWF) with a drainage area less than 100 acres.

2. Construct and maintain a 10.5' long extension to the existing 10' by 64' concrete box culvert conveying SR 422 over McCarthy Run (CWF) with a drainage area of 2.74 square miles.

3. Construct and maintain a 24' long extension to the existing 61' long 18" concrete pipe conveying SR 286 over a second UNT to McCarthy Run (CWF) with a drainage area less than 100 acres.

4. Place and maintain fill in 0.057 acre of PEM wetland.

5. Construct and maintain roadway associated stormwater facilities and temporarily impact 0.005 acre of PEM wetland and 623' of stream for the purpose of constructing these encroachments.

6. Wetland mitigation will occur via debiting of 0.057 acre of PEM wetland credit from the PennDOT District 10-0 Indiana County Wetland Bank. Stream mitigation will occur onsite.

These impacts are associated with a roadway widening project located at the intersection of SR 286 and SR 422 (Conemaugh, PA USGS topographic quadrangle; N: 40°,

36', 10.47"; W: -79°, 11', 15.96"; Sub-basin 18D; USACE Pittsburgh District), in White Township, Indiana County.

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

E5929-083: Eclipse Resources—PA, LP, 2121 Old Gatesburg Road, State College, PA 16803 Gaines Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An intake structure, intake waterline, bank stabilization, and access road impacting 188 feet of Pine Creek (EV), 94,419 square feet of floodway, and 399 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 58"N, 77° 33' 4" W);

2) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats, and two electric utility poles impacting 32,237 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 54"N, 77° 34' 10"W);

3) An 18 inch diameter waterline and a 3 inch diameter airline impacting 76 linear feet of an unnamed tributary to Pine Creek (EV) (Marshlands, PA Quadrangle 41° 44' 57"N, 77° 33' 58"W);

4) An 18 inch diameter waterline, a 3 inch diameter airline, and a temporary road crossing using timber mats impacting 1,032 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 57"N, 77° 34' 00"W);

5) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 721 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 57"N, 77° 34' 07"W);

6) An temporary timber mat bridge impacting 668 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 45' 00"N, 77° 34' 08"W);

7) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 1,162 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 45' 02"N, 77° 34' 09"W);

8) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 2,583 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 45' 02"N, 77° 34' 09"W).

The project will result in 188 linear feet of permanent stream impacts, 76 linear feet of temporary stream impacts, 399 square feet (0.01 acre) of permanent wetland impacts, 38,403 square feet (0.88 acre) of temporary wetland impacts, and 94,419 square feet of floodway

impacts along Pine Creek for permanent access road all for the purpose of installing and maintaining a waterline and intake structure in Gaines Township, Tioga 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.

D01-071. Mr. Peter Sheppard, 117 Frederick Street, Hanover, PA 17331, Union Township, **Adams County**, USACOE Baltimore District.

Project proposes to remove approximately 9.6 acres of accumulated silt and sediment from the reservoir impounded by the Sheppard Dam located across a tributary to the South Branch Conewago Creek (WWF, MF) (McSherrystown, PA Quadrangle, Latitude: 39.7510; Longitude: -77.0159).

D48-091EA. Leslie Huhn, Township Manager, Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA 18015, Hellertown Borough and Lower Saucon Township, **Northampton County**, USACOE Philadelphia District.

Project proposes to remove the breached remains of Kulp Dam to eliminate a threat to public safety and to restore approximately 1,000 feet of stream channel to a free-flowing condition. The project is located across Saucon Creek (CWF, MF) (Hellertown, PA Quadrangle, Latitude: 40.5788; Longitude: -75.3453).

WATER QUALITY CERTIFICATIONS REQUESTS

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

WQ20-004, US Department of Agriculture—Natural Resource Conservation Service, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Rauterkus Wetland Reserve Project, in North Shenango Township, **Crawford County**, ACOE Pittsburgh District (Hartstown, PA Quadrangle N: 41.61666°; W: 80.458333°).

Applicant is requesting Clean Water Act Section 401 State Water Quality Certification for modification of an existing wetland enhancement project through the US Department of Agriculture—Natural Resource Conservation Service Wetland Reserve Program. The purpose of this project is to increase the quantity, quality, and diversity of wetland wildlife habitat and improve water quality by improving the original site hydrology retention and promoting native vegetation. The proposed work consists of enhancing the structural integrity of existing embankments and removing additional, existing embankments to enhance and create new wetlands onsite. This project is anticipated to result in permanent impact to 0.17 acre of existing wetland, provide enhancement to 0.94 acre of existing wetland, and create 6.62 acres of new wetland.

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 & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed)</i> | <i>EPA Waived
Y/N?</i> |
|-----------------------------|---|---|---------------------------------------|----------------------------|
| PA0054526
(Industrial) | Unitech Services Group
401 North 3rd Avenue
Royersford, PA 19468-1950 | Montgomery County
Royersford Borough | Schuylkill River
3-D | Y |
| PA0052035
(Sewage) | Heritage Hills WWTP
1076 Eagle Road
Newtown, PA 18940-2818 | Bucks County
Upper Makefield
Township | Houghs Crk &
Delaware River
3-D | Y |
| PA0044776
(Sewage) | Honey Brook STP
P.O. Box 308
5277 Horseshoe Pike
Honey Brook, PA 19344 | Chester County
Honey Brook
Township | West Branch Brandywine
3-H | Y |

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

| <i>NPDES No.
(Type)</i> | <i>Facility Name & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed No.)</i> | <i>EPA Waived
Y/N?</i> |
|-----------------------------|--|--|--|----------------------------|
| PA0063096
(Sewage) | Seiders Hill STP
S.R. 0901—Gordon Nagle Trail
Pottsville, PA 17901 | Schuylkill County
North Manheim
Township | West Branch Schuylkill
River
(03A) | Yes |
| PA0065145
(Sewage) | The Preserve at Dunn Lake WWTP
May Road
Thompson, PA 18465 | Susquehanna
County
Ararat Township | Unnamed Tributary to
East Branch Lackawanna
River
(05A) | Yes |
| PA0061565
(Sewage) | Chestnut Lake Camp WWTP
326 Trails End Road
Beach Lake, PA 18405 | Wayne County
Berlin Township | Unnamed Tributary to
Beach Lake
(1-A) | Yes |

| <i>NPDES No.
(Type)</i> | <i>Facility Name & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed No.)</i> | <i>EPA Waived
Y/N?</i> |
|--|--|--|--|----------------------------|
| PA0065188
(Sewage) | Sterling Business Park
32 Commercial Street
Suite 1
Honesdale, PA 18431 | Wayne County
Sterling Township | West Branch
Wallenpaupack Creek
(1-C) | Yes |
| PA0061204
(Sewage) | Lake Harmony WWTP—
Aqua PA Wastewater Inc.
762 W Lancaster Avenue
Bryn Mawr, PA 19010-3489 | Carbon County
Kidder Township | Shingle Mill Run
(2-A) | Yes |
| <i>Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.</i> | | | | |
| <i>NPDES No.
(Type)</i> | <i>Facility Name & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed #)</i> | <i>EPA Waived
Y/N?</i> |
| PA0247243
IW | Pennsylvania Cherry LLC
P.O. Box 269
Mercersburg, PA 17236 | Montgomery
Township
Franklin County | Unnamed Tributary to
West Branch
Conococheague Creek in
Watershed(s) 13-C | Y |
| PA0248207
SEW | Kevin & Melissa Nelson
12 Chestnut Grove Lane
Newville, PA 17241-8780 | Upper Frankford
Township
Cumberland County | Unnamed Tributary to
Conodoguinet Creek in
Watershed(s) 7-B | Y |
| PA0087530
SEW | Paul McAnulty
3651 Waggoners Gap Road
Carlisle, PA 17015-9540 | North Middleton
Township
Cumberland County | Unnamed Tributary of
Conodoguinet Creek in
Watershed(s) 7-B | Y |
| PA0083194
SEW | HMS Host—
Blue Mt. Turnpike Plaza
P.O. Box 8
Middletown, PA 17057-0008 | Hopewell Township
Cumberland County | Newburg Run in
Watershed(s) 7-B | Y |
| PA0261742
SEW | Samuel J Smith
22215 Back Road
Doylestown, PA 17219 | Fannett Township
Franklin County | Unnamed Tributary of
Doylestown Stream in
Watershed(s) 12-B | Y |
| PA0087033
SEW | Benuel F Blank
6350 McClays Mill Road
Newburg, PA 17240 | Lurgan Township
Franklin County | Unnamed Tributary of
Conodoguinet Creek in
Watershed(s) 7-B | Y |
| PA0087190
SEW | Saint Thomas Township Municipal
Authority
175 Saint Thomas Edenville Road
Saint Thomas, PA 17252-9743 | Saint Thomas
Township
Franklin County | Unnamed Tributary to
Wilson Run in
Watershed(s) 13-C | Y |
| PA0033995
SEW | Berks County
633 Court Street
16th Floor
Reading, PA 19601-4322 | Bern Township
Berks County | Plum Creek in
Watershed(s) 3-C | Y |
| PA0261955
CAFO | S & A Kreider & Son Inc.
761 Spring Valley Road
Quarryville, PA 17566-9773 | East Drumore
Township
Lancaster County | Watershed(s) 7-K Jackson
Run | Y |
| PA0260746
SEW | David J Perchard
6227 Big Creek Road
Clearville, PA 15535 | Monroe Township
Bedford County | Unnamed Tributary to
Shaffer Creek in
Watershed(s) 11-C | Y |
| PA0084221
SEW | Mark and Lisa Duvall
815 Beans Cove Road
Clearville, PA 15535-8049 | Southampton
Township
Bedford County | Rocky Gap Run in
Watershed(s) 13-A | Y |
| PA0087718
IW | Crystal Spring Hardwood Inc.
345 South Valley Road
Crystal Spring, PA 15536-0034 | Brush Creek
Township
Fulton County | Little Brush Creek in
Watershed(s) 11-C | Y |
| PA0259802
CAFO | Wen Crest Farms LLC
549 Schaeffer Road
Lebanon, PA 17042-9730 | South Lebanon
Township
Lebanon County | Watershed(s) 7-J
Unnamed Tributary to
Hammer Creek | 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 & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed No.)</i> | <i>EPA Waived
Y/N?</i> |
|-----------------------------|---|---|---|----------------------------|
| PA0111414
(Sewage) | McEwensville STP
105 Sodom Road
Milton, PA 17847-9232 | Northumberland
County
Delaware Township | Unnamed Tributary to
Warrior Run
(10-D) | No |

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 & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed No.)</i> | <i>EPA Waived
Y/N?</i> |
|-----------------------------|--|--|--|----------------------------|
| PA0204269
(Industrial) | Inter-Power/AhlCon Partners, L.P.
141 Interpower Drive
Colver, PA 15927 | Cambria County
Barr Township | Elk Creek
(18-D) | No |
| PA0097799
(Sewage) | Laurel Highlands Campland STP
1001 Clubhouse Drive
Donegal, PA 15628 | Westmoreland
County
Donegal Township | Minnow Run
(19-E) | Yes |
| PA0205877
(Sewage) | Redstone Township Sewer Authority
WWTP
1010 Main Street
P.O. Box 753
Republic, PA 15475-0751 | Fayette County
Redstone Township | Dunlap Creek
(19-C) | Yes |
| PA0217140
(Sewage) | Shelocta STP
602 Kolter Drive
Indiana, PA 15701-3570 | Indiana County
Armstrong Township | Crooked Creek
(17-E) | Yes |
| PA0218316
(Sewage) | Dunbar Township Municipal
Authority STP
P.O. Box 815
Connellsville, PA 15425-0815 | Fayette County
Dunbar Township | Youghiogheny River
(19-D) | Yes |

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

| <i>NPDES No.
(Type)</i> | <i>Facility Name & Address</i> | <i>County &
Municipality</i> | <i>Stream Name
(Watershed #)</i> | <i>EPA Waived
Y/N?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|----------------------------|
| PA0221872
(Industrial) | Universal Stainless & Alloy Products
600 Mayer Street
Bridgeville, PA 15017-2705 | Crawford County
Titusville City | Church Run and Oil Creek
(16-E) | 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. PA0245020, Storm Water, **Janssen Biotech, Inc.**, 200 Great Valley Parkway, Malvern, PA 19355-1307.

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

Description of Action/Activity; Issuance of an NPDES Permit for a new discharge of treated Storm Water.

NPDES Permit No. PA0245054, Sewage, **Shawn Dougherty Jr.**, 1507 Charles Road, West Chester, PA 19382.

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

Description of Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

NPDES Permit No. PA0051985, Sewage, **Horsham Township Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044-1207.

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

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

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

NPDES Permit No. PA0276146, Storm Water, SIC Code 2041, **Ardent Mills, LLC** (f/k/a Horizon Milling, LLC), 258 Harvest Lane, Pocono Summit, PA 18346.

This proposed facility is located in Mount Pocono Borough, **Monroe County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated stormwater.

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

NPDES Permit No. PA0111759, Industrial, SIC Code 2011, 2077, **Cargill Meat Solutions Corporation**, P.O. Box 188, Wyalusing, PA 18853-0188.

This existing facility is located in Wyalusing Township, **Bradford County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater.

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

NPDES Permit No. PA0002062, Industrial, SIC Code 4911, **GenOn Northeast Management Company**, 313 Keystone Lane, Shelocta, PA 15774-2305.

This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for existing discharges of treated industrial wastes, treated sewage, groundwater, and treated and untreated storm water.

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

NPDES Permit No. PA0271659, Sewage, SIC Code 4952, 8800, **Larry Flick**, 207 Charleston Road, Sharpsville, PA 16150.

This proposed facility is located in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

NPDES Permit No. PA0271691, Sewage, SIC Code 8800, **H Todd & Susan White**, 749 Lafeil Drive, Manchester, MO 63021.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

NPDES Permit No. PA0271675, Sewage, SIC Code 4952, 8800, **James Schmitz**, 10333 Lake Pleasant Road, Waterford, PA 16441.

This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.

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

WQM Permit No. 4615201, Sewage, **Unitech Service Group**, 401 North 3rd Avenue, Royersford, PA 19468-1950.

This proposed facility is located in Royersford Borough, **Montgomery County**.

Description of Action/Activity: Add 3 additional 12,000 gallon flow equalization tanks to current treatment plant.

WQM Permit No. 4618402, Sewage, **Lower Perkiomen Valley Regional Sewer Authority**, 101 Station Avenue, P.O. Box 297, Oaks, PA 19456.

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

Description of Action/Activity: Installation of 42", 48", 54" and 60" sanitary sewer interceptor approximately 17,200 ft. in length.

WQM Permit No. 4618412, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. 4618411, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. 4601401, Sewage, Amendment, **Lower Salford Township Authority**, 57 Main Street, Harleysville, PA 19438-2515.

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

Description of Action/Activity: Modifications aeration equipment for wastewater treatment tanks.

WQM Permit No. 1518410, Sewage, **Shawn Dougherty Jr.**, 1507 Charles Road, West Chester, PA 19382.

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

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 4818402, Sewage, SIC Code 4952, **Bethlehem Wastewater Treatment Plant**, Bethlehem City Northampton County, 10 East Church Street, Bethlehem, PA 18018.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: Replacement/Upgraded WWTP headworks' Influent Mechanical Fine Screens and detritor system.

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

WQM Permit No.6718402, Sewerage, **York Township Water & Sewer Authority**, 190 Oak Road, Dallastown, PA 17313-9300.

This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: This General Permit approves the modification of sewage facilities consisting of the replacement of approximately 200 ft of the existing 18" Tyler Run Interceptor in the vicinity of Country Club Road and S. George Street with new 24" DIP. The project will include the replacement of two existing manholes and the installation of a new manhole to facilitate construction and bypass operations.

WQM Permit No. 0518402, Sewerage, **Broad Top Township Bedford County**, P.O. Box 57, Defiance, PA 16633.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: This permit approves the construction of sewage facilities consisting of:

- Concrete Norweco Singulair 960 (600 GPD rated capacity)
- Concrete Norweco Hydro-Kinetic Biofilm Reactor (BFR)
- Norweco AT-1500 ultraviolet disinfection

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

WQM Permit No. 4796402 A-1, Sewage, SIC Code 4952, **Liberty Township Montour County**, 123 Mooresburg Road, Danville, PA 17821-7038.

This existing facility is located in Liberty Township, **Montour County**.

Description of Proposed Action/Activity: Installation of a chemical addition feed system for phosphorus removal.

WQM Permit No. 4110403 A-2, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113.

This existing facility is located in City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: Sludge Handling Improvements Project.

WQM Permit No. 1701407 A-4, Sewage, SIC Code 8412, **Aqua Pennsylvania Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402.

This existing facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of Bilowich, Mayro, and Shroud Cay pump stations.

WQM Permit No. 4905403 A-1, Sewage, SIC Code 4952, **PA American Water Co.**, 105 Sodom Road, Milton, PA 17847-9232.

This existing facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Replacement of pumps at Influent Pump Station and consolidation of permit requirements of WQM Permit Nos. 4982402, 4988415, 4973404, and 4992404.

WQM Permit No. 1908201 A-6, Industrial, SIC Code 2047, **Big Heart Pet Brands Inc.**, 6670 Low Street, Bloomsburg, PA 17815-8613.

This existing facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Major wastewater treatment plant improvements including new equalization tank, new aeration tank, new anoxic tanks, new clarifier and new disinfection system.

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

WQM Permit No. WQG01631802, Sewage, **Southern Amy D**, 9691 Old Steubenville Pike, Bulgar, PA 15019.

This proposed facility is located in Chartiers Township, **Washington County**.

Description of Proposed Action/Activity: Proposed SRSTP to replace malfunctioning on-lot system.

WQM Permit No. 0418406, Sewage, SIC Code 4952, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001-1421.

This proposed facility is located in Center Township & Potter Township, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to construct a gravity sewer system to serve The Bluffs at Glade Path Development. Sewage will be conveyed and treated at Center Township Sanitary Authority's Elkhorn Run WPCP.

WQM Permit No. 0418404, Sewage, **Castlebrook Development Group, LLC**, 428 Boulevard of the Allies, Suite 100, Pittsburgh, PA 15219.

This proposed facility is located in Center Township & Potter Township, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to construct a 400 gpm pump station and 6-inch diameter forcemain to serve The Bluffs at Glade Path Development. Sewage will be conveyed and treated at the Center Township Sanitary Authority's Elkhorn Run WPCP.

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

WQM Permit No. 4318409, Sewage, **Larry Flick**, 207 Charleston Road, Sharpsville, PA 16150.

This proposed facility is located in Jefferson Township, **Mercer County**.

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

WQM Permit No. 6218406, Sewage, **H Todd & Susan White**, 749 Lafeil Drive, Manchester, MO 63021.

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

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

WQM Permit No. 2518413, Sewage, **James Schmitz**, 10333 Lake Pleasant Road, Waterford, PA 16441.

This proposed facility is located in Greene Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions.

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

| <i>NPDES Permit No.</i> | <i>Permittee Name & Address</i> | <i>Municipality, County</i> | <i>Receiving Water(s)/Use(s)</i> | <i>TMDL Plan Submitted (Y/N)</i> | <i>Pollutant Reduction Plan Submitted (Y/N)</i> |
|-------------------------|---|---------------------------------------|---|----------------------------------|---|
| PAI132269 | Moosic Borough
Lackawanna County
715 Main Street
Moosic, PA 18507-1023 | Moosic
Borough
Lackawanna | Lackawanna River,
Covey Swamp Creek,
Spring Brook, Mill
Creek, Unnamed
Tributary to Covey
Swamp Creek, and
Stafford Meadow
Brook/HQ-CWF,
CWF and MF | N | Y |
| PAI132220 | Plainfield Township
Northampton County
6292 Sullivan Trail
Nazareth, PA 18064-9335 | Plainfield
Township
Northampton | Little Bushkill
Creek, Unnamed
Tributary of Little
Bushkill Creek, and
Unnamed Tributary
to Little Bushkill
Creek/HQ-CWF and
MF | N | Y |

V. NPDES Waiver Stormwater Discharges from 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.

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 & Address</i> | <i>Municipality, County</i> | <i>Receiving Water(s)/Use(s)</i> |
|-------------------------|---|----------------------------------|----------------------------------|
| PAI132252 | Tatamy Borough
P.O. Box 218
Tatamy, PA 18085-0218 | Tatamy
Borough
Northampton | Bushkill Creek/HQ-CWF and MF |

Southcentral Regional Office: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Phone: 717.705.4800.

| <i>NPDES Waiver No.</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Receiving Water(s)/Use(s)</i> |
|-------------------------|--|-----------------------------|---|
| PAG133574 | Douglass Township
Berks County
1068 Douglass Drive
Boyertown, PA 19512-7621 | Douglass Township
Berks | Schuylkill River, Unnamed Tributary to
Minister Creek, Unnamed Tributary to
Schuylkill River, Ironstone Creek, and
Unnamed Tributary to Manatawny
Creek/TSF, WWF, CWF, and MF |

| <i>NPDES Waiver No.</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Receiving Water(s)/Use(s)</i> |
|-------------------------|--|-----------------------------|---|
| PAG133575 | Earl Township
Berks County
19 Schoolhouse Road
Boyertown, PA 19512-7926 | Earl Township
Berks | Unnamed Tributary to Ironstone Creek,
Manatawny Creek, and Furnace
Run/TSF, CWF, and MF |

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|----------------------------|--|
| PAD450068 | LTS Homes
815 Seven Bridge Rd.
East Stroudsburg, PA 18301 | Monroe | Stroud Twp. | Brodhead Creek
(HQ-CWF, MF)
UNT to Brodhead
Creek
(HQ-CWF, MF) |
| PAD450069 | Robert & Christina McFadden
443 Belle Lane
Harleyville, PA 19438 | Monroe | Stroud Twp.
Pocono Twp. | UNT Brodhead Creek
(HQ-CWF, MF) |
| PAD450059 | Tobyhanna DG, LLC
Attn: Steve Camp
361 Summit Blvd
Suite 110
Birmingham, AL 35243 | Monroe | Coolbaugh Twp. | Lake Carobeth
(HQ-CWF, MF)
Buck Hill Creek
(EV, MF) |

Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|---|
| PAD480070 | Lehigh University
c/o Mr. Brent Stringfellow
461 Webster St., 3A
Bethlehem, PA 18015 | Northampton | City of Bethlehem | Lehigh River
(WWF, MF)
Saucon Creek
(HQ-CWF, MF) |

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 & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|---------------------|---|---------------|---------------------|--|
| PAD210024
Issued | Paul Zimmerman
2274 Pine Road
Newville, PA 17241 | Cumberland | Penn Township | Yellow Breeches
Creek
(HQ-CWF, MF)
EV Wetlands |
| PAD360038
Issued | Ben S. Stoltzfus
5186 Dogwood Drive
New Holland, PA 17557 | Lancaster | Salisbury Township | UNT Umbles
(HQ-CWF, MF)
Umbles Run
(HQ-CWF, MF) |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|------------------------------|
| PAI041415001 | Village of Nittany Glen, LP
940 W. Sproul Road
Suite 301
Springfield, PA 19064 | Centre | Benner Township | UNT-Buffalo Run
HQ-CWF |
| PAD140032 | Halfmoon Township
1948 Halfmoon Valley Road
Port Matilda, PA 16870 | Centre | Halfmoon Township | UNT-Halfmoon Creek
HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|------------------------------------|---|----------------------------|
| PAD260006 | Deer Lake Improvement Association
P.O. Box 112
Chalk Hill, PA 15421 | Fayette County
Wharton Township | Meadow Run (HW-CWF);
UNT to Meadow Run
(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

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|---|
| New Britain Township
Bucks County | PAC090210 | Provco Pinegood Chalfont, LLC
795 East Lancaster Avenue
Building 2
Suite 200
Villanova, PA 19085-1525 | Unnamed Tributary to West Branch
Neshaminy Creek
WWF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Plumstead Township
Bucks County | PAC090202 | Jeff Petty
993 Valley View Drive
Jenkintown, PA 19046-1317 | Geedes Run
CWF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Richland Township
Bucks County | PAC090181 | Gorski Engineering, Inc.
1 Iron Bridge Road
Collegetown, PA 19426-2058 | Unnamed Tributary to Tohickon Creek
TSF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Buckingham Township
Bucks County | PAC090195 | Robert P. Levy, Jr.
457 Lurgan Road
New Hope, PA 18938-9214 | Unnamed Tributary to Mill Creek
WWF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--|---|
| Wrightstown Township
Bucks County | PAC090223 | Edward Dougherty
939 Cedar Lane
Newtown, PA 18940-4112 | Unnamed Tributary to Neshaminy Creek
WWF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Buckingham Township
Bucks County | PAC090221 | Kristopher Griffith
2175 Geoffrey Drive
Willow Grove, PA 19090-2219 | Unnamed Tributary to Mill Creek
WWF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Kennett Township
Chester County | PAC150081 | North Walnut Holding Company, L.P.
649 West South Street
Kennett Square, PA 19348 | East Branch Red Clay Creek
TSF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Caln Township
Chester County | PAC150085 | Coatesville Veterans Affairs Medical Center
1400 Blackhorse Hill Road
Coatesville, PA 19320-2040 | Unnamed Tributary to Brandywine Creek
TSF-MF
Unnamed Tributary to Beaver Creek
CWF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| West Goshen Township
Chester County | PAC150091 | West Chester University
201 Carter Drive
Suite 500
West Chester, PA 19383 | Unnamed Tributary to Plum Run
WWF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| West Whiteland Township
Chester County | PAC150101 | West Chester Area School District
1181 McDermott Drive
West Chester, PA 19380 | Valley Creek
CWF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Borough of South Coatesville
Chester County | PAC150113 | Fairview Cemetery
786 Oak Street
Coatesville, PA 19320 | Unnamed Tributary to West Branch Brandywine Creek
WWF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| New Garden Township
Chester County | PAC150114 | Basciani Mushroom Farms
8876 Gap Newport Pike
Avondale, PA 19311 | Unnamed Tributary to Egypt Run
CWF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Easttown Township
Chester County | PAC150117 | Ashley Smith
338 Beaumont Road
Devon, PA 19333 | Unnamed Tributary to Darby Creek
CWF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| West Nottingham Township
Chester County | PAC150118 | R. Samuel McMichael
P.O. Box 296
Oxford, PA 19363 | Unnamed Tributary to Stone Run
TSF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |
| Media Borough
Delaware County | PAC230085 | B&G Properties, LLC
29 West 6th Street
Media, PA 19063 | Ridley Creek
TSF-MF | Southeast Regional Office
2 East Main Street
Norristown, PA 19401
484-250-5900 |

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

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--------------------------------|---|
| Lower Towamensing Twp
Carbon County | PAC130009 | Architectural Polymers, Inc.
1220 Little Gap Rd.
Palmerton, PA 18071 | Aquashicola Creek
(TSF, MF) | Carbon County
Conservation District
610.377.4894 |
| Mahoning Twp
Carbon County | PAC130008 | First Northern Bank &
Trust Co.
Fourth St. & Lafayette Ave.
Palmerton, PA 18071 | Mahoning Creek
(CWF, MF) | Carbon County
Conservation District
610.377.4894 |
| Upper Saucon Twp
Lehigh County | PAC390066 | Kenneth Bertka
5239 Blue Sky Dr.
Orefield, PA 18069 | Laurel Run
(CWF, MF) | Lehigh County
Conservation District
610.391.9583 |
| Tunkhannock Twp
Wyoming County | PAC660012 | D & C Fuel Sales, Inc.
6313 SR 6
Tunkhannock, PA 18657 | Tunkhannock Creek
(TSF, MF) | Wyoming County
Conservation District
570.836.2589 |

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

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|-------------------------------------|---|
| Hamiltonban
Township
Adams County
Issued | PAC010057 | Nick Kalathas
1661 Cold Spring Road
Fairfield, PA 17320 | Rattling Run
(CWF) | Adams County
Conservation District
670 Old Harrisburg
Road
Suite 201
Gettysburg, PA
17325-3404
717.334.0636 |
| Allegheny Township
Blair County
Issued | PAC070041 | Chad Shirey
114 Vision Drive
Duncansville, PA 16635 | UNT Blair Gap Run
(CWF) | Berks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA
19533-9710
610.372.4657 |
| South Middleton
Township
Cumberland County
Issued | PAC210082 | RSJ Holdings, LLC
1747 West Trindle Road
Carlisle, PA 17015 | Hogestown Run
(CWF) | Cumberland County
Conservation District
310 Allen Road
Suite 301
Carlisle, PA
17013-9101
717.240.7812 |
| Swatara Township
Dauphin County
Issued | PAC220136 | Fresh Express Inc.
7505 Grayson Road
Harrisburg, PA 17111 | Beaver Creek
(WWF, MF) | Dauphin County
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018
717.921.8100 |
| Ephrata Township
Lancaster County
Issued | PAC360182 | Property Investing &
Management Inc.
341 Clay School Road
Ephrata, PA 17522 | UNT Conestoga
River
(WWF, MF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |

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| <i>Facility Location:
Municipality &
County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving
Water/Use</i> | <i>Contact Office &
Phone No.</i> |
|---|-------------------|---|---|--|
| Upper Leacock
Township
Lancaster County
Issued | PAC360306 | David Stoltfoos
232 South Groffdale Road
Leola, PA 17540 | UNT Mill Creek
(WWF, MF)
Mill Creek
(WWF, MF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |
| Rapho Township
Lancaster County
Issued | PAC360292 | Elm Tree Properties LLC
P.O. Box 277
Landisville, PA 17538 | UNT Little
Chiques Creek
(TSF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |
| Manor Township
Lancaster County
Issued | PAC360338 | Justin Cappiello
1515 Ridge Road
Lancaster, PA 17603 | UNT Susquehanna
River
(WWF, MF)
Susquehanna River
(WWF, MF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |
| Leacock Township
Lancaster County
Issued | PAC360100 | Reuben Fisher
4138 Red Well Drive
Gordonville, PA 17529 | UNT Pequea Creek
(CWF, MF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |
| West Earl Township
Lancaster County
Issued | PAC360332 | Robert Brandt Jr. Family LTD
4124 Oregon Pike
Ephrata, PA 17522 | Conestoga River
(WWF, MF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |
| West Lampeter
Township
Lancaster County
Issued | PAC360291 | Daniel Fisher
825 Strasburg Pike
Strasburg, PA 17579 | Pequea Creek
(WWF, MF) | Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA
17601-3149
717.299.5361, ext. 5 |
| Penn Township
Perry County
Issued | PAC500015 | Abundant Harvest Church, Inc.
510 New Bloomfield Road
Duncannon, PA 17020 | UNT Shermans
Creek
(WWF) | Perry County
Conservation District
31 West Main Street
P.O. Box 36
New Bloomfield, PA
17068
717.582.8988, ext. 4 |

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

| <i>Facility Location:
Municipality &
County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving
Water/Use</i> | <i>Contact Office &
Phone No.</i> |
|---|-------------------|---|--------------------------------|--|
| Franklin Township
Butler County | PAC100103 | E & E Developers Inc
Mr. Edward J. Etzel
198 Saxonburg Road
Butler, PA 16002 | Mulligan Run
CWF | Butler County
Conservation District
122 McCune Drive
Butler, PA 16001
724-284-5270 |

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------|---|
| Coal and Zerbe Townships
Northumberland County | PAC680017 | Bureau of Abandoned Mine Reclamation
Cambria Office
286 Industrial Park Road
Ebensburg, PA 15931-4119 | Carbon Run (CWF) | Attention: Patrick M. Webb
PA DEP
Cambria Office
286 Industrial Park Road
Ebensburg, PA
15931-4119
814-472-1800 |

General Permit Type—PAG-3

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|----------------------------------|-------------------|---|---|--|
| Erie City
Erie County | PAG038374 | Rehrig Pacific Co.
1738 W 20 Street
Erie, PA 16502-2116 | Unnamed Tributary to West Branch Cascade Creek—15-A | DEP Northwest Regional Office
Clean Water Program
230 Chestnut Street
Meadville, PA
16335-3481
814.332.6942 |
| Bradford City
McKean County | PAG038376 | Microtech Knives Inc.
300 Chestnut Street
Bradford, PA 16701-2200 | East Branch Tunungwant Creek—16-C | DEP Northwest Regional Office
Clean Water Program
230 Chestnut Street
Meadville, PA
16335-3481
814.332.6942 |

General Permit Type—PAG-04

Facility Location

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|--|
| Chartiers Township
Washington County | PAG046470 | Southern Amy
9691 Old Steubenville Pike
Bulgar, PA 15019 | Unnamed Tributary of Chartiers Creek—20-F | DEP Southwest Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000 |

General Permit Type—PAG-8

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|----------------------------------|-------------------|--|---|--|
| Spring Township
Centre County | PAG084814 | Borough of Bellefonte
236 West Lamb St.
Bellefonte, PA 16823 | Borough of Bellefonte Waste Water Treatment Plant | DEP Northcentral Regional Office
Clean Water Program
208 W Third Street
Suite 101
Williamsport, PA
17701-6448
570.327.0530 |

*General Permit Type—PAG-8 (SSN)**Facility Location:*

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|--|----------------------------|--|---------------------------------|--|
| Pennland Grain—
Mellinger Road Farm
16093 Mellinger Road
Stewartstown, PA
17363 | PAG08
PAG07
WMGR-099 | Synagro
1605 Dorley Rd
P.O. Box B
Whiteford, MD 21160 | Same as Facility | DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707 |
| Hopewell Township
York County | | | | |
| Pennland Grain—
Bridgewater Road
Farm
3029 Bridgewater
Road
Stewartstown, PA
17363 | PAG08
PAG07
WMGR-099 | Synagro
1605 Dooley Rd
P.O. Box B
Whiteford, MD 21160 | Same as Facility | DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707 |
| Hopewell Township
York County | | | | |
| Pennland Grain—
Spice Road Farm
13386 Spice Road
New Freedom, PA
17349 | PAG08
PAG07
WMGR-099 | Synagro
1605 Dooley Rd
P.O. Box B
Whiteford, MD 21160 | Same as Facility | DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707 |
| North Hopewell
Township
York County | | | | |

General Permit Type—PAG-12

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|----------------------------|--|
| East Nottingham
Township,
Chester County | PAG120009 | Windy Pine Farm
410 Barnsley Road
Oxford, PA 19363 | Watershed(s) 7-K | DEP—SCRO—CW
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707 |

General Permit Type—PAG-13

| <i>Facility Location Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---|---|
| Spring City Borough
Chester County | PAG130070 | Spring City Borough
Chester County
6 S. Church Street
Spring City, PA 19475-1876 | Unnamed Stream
3-D | DEP Southeast
Regional Office
Clean Water Program
2 E Main Street
Norristown, PA 19401
484.250.5970 |
| South Hanover
Township
Dauphin County | PAG133500 | South Hanover Township
Dauphin County
161 Patriot Way
Hershey, PA 17033 | Beaver Creek and
Unnamed Tributary
to Manada Creek in
Watershed(s) 7-D | DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717.705.4707 |
| Bellevue Borough
Allegheny County | PAG136216 | Bellevue Borough
537 Bayne Avenue
Pittsburgh, PA 15202-3120 | Spruce Run
Ohio River Unnamed
Tributary to Ohio
River—20-G | DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000 |

| <i>Facility Location
Municipality &
County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving
Water/Use</i> | <i>Contact Office &
Phone No.</i> |
|--|-------------------|--|--|---|
| Marshall Township
Allegheny County | PAG136306 | Marshall Township
525 Pleasant Hill Road
Suite 100
Wexford, PA 15090-7413 | Brush Creek
Wexford Run,
Big Sewickley Creek
20-G | DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000 |
| Braddock Hills
Borough
Allegheny County | PAG136257 | Braddock Hills Borough
1300 Brinton Road
Pittsburgh, PA 15221-4634 | Unnamed Tributary
to Monongahela
River
Unnamed Tributary
to Turtle Creek
19-A | DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000 |

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

| <i>Agricultural Operation
Name and Address</i> | <i>County</i> | <i>Total
Acres</i> | <i>AEU's</i> | <i>Animal
Type</i> | <i>Special
Protection
Waters (HQ
or EV or NA)</i> | <i>Approved or
Disapproved</i> |
|---|---------------|------------------------|--------------|------------------------|---|------------------------------------|
| Gorrell Dairy, LLC
Glenn Gorrell
392 Wood Road
Milan, PA 18831 | Bradford | 1,600 | 1,675.5 | Dairy | NA | Approved |
| L&W Farms LLC
4251 Fletcher Dr
Greencastle, PA 17225 | Franklin | 273.89 | 376.73 | Layers &
Heifers | N/A | Approved |

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2

Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, 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.

Operations Permit # 0918503 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. **PWS ID # 1090005**, Chalfont Borough, **Bucks County** on December 10, 2018 for the operation of emergency interconnection between Aqua Pennsylvania, Inc. and North Penn Water Authority facilities approved under construction permit # 0918503.

Operations Permit # 0918510 issued to **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974. **PWS ID # 1090069**, Warminster Township, **Bucks County** on December 10, 2018 for the operation of County Line Road interconnection with North Wales Water Authority, facilities approved under construction permit # 0918510.

Operations Permit # 0916527 issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. **PWS ID # 1090074**, Lower Makefield Township, **Bucks County** on December 10, 2018 for the operation of Zinc Orthophosphate Storage and Feed Pumps facilities approved under construction permit # 0916527.

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

Permit No. 3540071, Public Water Supply.

| | |
|-----------------------|--|
| Applicant | Aqua PA, Inc.
1 Aqua Way
White Haven, PA 18661 |
| [Township or Borough] | East Union Township
Schuylkill County |
| Responsible Official | Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872 |
| Type of Facility | PWS |
| Consulting Engineer | Steven C. Roselle, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(814) 643-8260 |
| Permit Issued Date | 11/13/2018 |

Permit No. 2359008, Public Water Supply.

| | |
|-----------------------|--|
| Applicant | PA American Water
(Lake Scranton)
800 W. Hershey Park Drive
Hershey, PA 17033 |
| [Township or Borough] | City of Scranton
Lackawanna County |
| Responsible Official | Mr. David Kaufman
Vice President-Engineering |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mr. Richard Dudek, PE
PA American Water Company
4 Wellington Blvd.
Wyomissing, PA 19610 |
| Permit Issued | 11/20/2018 |

Permit No. 2409003, Public Water Supply.

| | |
|-----------------------|--|
| Applicant | PA American Water
(Crystal Lake)
800 W. Hershey Park Drive
Hershey, PA 17033 |
| [Township or Borough] | Wright Township
Luzerne County |
| Responsible Official | Mr. David Kaufman
Vice President-Engineering |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mr. Bruce Brubaker, PE
PA American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055 |
| Permit Issued | 11/07/2018 |

Permit No. 2409011, Public Water Supply.

| | |
|-----------------------|--|
| Applicant | PA American Water
(Watres WTP)
800 W. Hershey Park Drive
Hershey, PA 17033 |
| [Township or Borough] | Plains Township
Luzerne County |
| Responsible Official | Mr. David Kaufman
Vice President-Engineering |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mr. Bruce Brubaker, PE
PA American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055 |
| Permit Issued | 11/08/2018 |

Permit No. 2359008, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | PA American Water
(Mt. Margaret Tank)
800 W. Hershey Park Drive
Hershey, PA 17033 |
| [Township or Borough] | Roaring Brook Township
Lackawanna County |
| Responsible Official | Mr. David Kaufman
Vice President-Engineering |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mr. Jeremy Nelson, PE
PA American Water Company
2699 Stafford Avenue
Scranton, PA 18505 |

Permit Issued 11/06/2018

Permit No. 2350004, Public Water Supply.

Applicant **Aqua PA, Inc.**
1 Aqua Way
White Haven, PA 18661

[Township or Borough] South Abington Township
Lackawanna County

Responsible Official Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(814) 643-8260

Permit Issued Date 10/23/2018

Permit No. 2359008, Public Water Supply.

Applicant **PA American Water Company**
(Lake Scranton)
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] Roaring Brook Township
Lackawanna County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Bruce Brubaker, PE
PA American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Permit Issued 11/08/2018

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

Permit No. 2218507, Public Water Supply.

Applicant **SUEZ Water Pennsylvania Inc**

Municipality Susquehanna Township

County **Dauphin**

Responsible Official John D. Hollenbach, General Manager
4211 East Park Circle
Harrisburg, PA 17111-0151

Type of Facility Maintenance to the existing raw water intake structure including the construction of a new wet well with new pumps, conversion of the old wet well into a grit settling chamber and upgrades to the air scouring system.

Consulting Engineer Jamie R. Shambaugh, P.E.
Gannett Fleming, Inc.
P.O. Box 67100
Harrisburg, PA 17106-7100

Permit to Construct Issued 12/6/2018

Permit No. 30618525 MA, Minor Amendment, Public Water Supply.

Applicant **Reading Area Water Authority**

Municipality Ontelaunee Township

County **Berks**

Responsible Official William Murray, Executive Director
1801 Kutztown Road
Reading, PA 19604

Type of Facility Replacement of the south siphon chamber at the existing filtration plant.

Consulting Engineer Agustin E. Conesa, P.E.
Spotts Stevens & McCoy
1047 North Park Road
Reading, PA 19610

Permit to Construct Issued 12/6/2018

Operation Permit No. 2818511 issued to: **Pennsylvania Cherry, LLC (PWS ID No. 7280940)**, Peters Township, **Franklin County** on 12/6/2018 for facilities submitted under Application No. 2818511.

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

Permit No. 2789-T1-MA5, Public Water Supply.

Applicant **Erie City Water Authority**

Township or Borough Erie City

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Jason G Saylor, P.E.
Utility Service Co. Inc
1230 Peachtree Street NE
Suite 1100
11th Floor Promenade II
Building
Atlanta, GA 30309

Permit to Construct Issued December 7, 2018

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| East Hanover Township | 8848 Jonestown Road
Grantville, PA 17028 | Dauphin |

Plan Description: The planning module for Umberger Subdivision, DEP Code No. A3-22913-401-1, APS Id 981389, consisting of 2 single family residential lots, is disapproved. The proposed development is located on Laudermilch Road. This plan is disapproved because the submission did not include a general site suitability plot plan, did not include Site Investigation and Percolation Test Reports, and Section K of the Component 1 form was not completed.

Plan Location:

| | | |
|----------------------------|--|---------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
| Centre Township | 2971 Cold Storage Road
New Bloomfield, PA 17068 | Perry |

Plan Description: The planning exemption for Gantt Subdivision, DEP Code No. A3-50906-257-2E, APS Id 980841, consisting of one new single family residential lot, is disapproved. The proposed development is located on Laurel Grove Road. This plan is disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because the subdivision proposes the use of onlot sewage disposal systems and each lot of the subdivision does not have separate sites available for both a permittable primary soil absorption area or spray field and a replacement soil absorption area or spray field as per Chapter 71, Section 71.51(b)(1)(v).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Saint Martin of Tours Church, State Routes 92 and 492, Jackson Township, **Susquehanna County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of the Diocese of Scranton, 300 Wyoming Avenue, Scranton, PA 18503, submitted a Final Report concerning remediation of site soil contaminated with heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

Robert Slivka Residence, 9587 Jacktown Road, Lower Mount Bethel Township, **Northampton County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169, submitted a Final Report concerning remediation of site soil and groundwater contaminated as the result of a release of # 2 fuel oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

Suburban Propane, 245 Smith Street, New Milford, **Susquehanna County**. Cemats, 3232 Seneca Turnpike, P.O. Box 68, Canastota, NY 13032, on behalf of Suburban Propane, P.O. Box 4833, Syracuse, NY 13221, submitted a Final Report concerning remediation of soil and groundwater contaminated due historic releases from a petroleum distribution facility at the site. The predominant contaminants identified are volatile organic compounds. The report is intended to document remediation of the site to meet a combination of Statewide Health and Site-Specific Standards.

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

Speedway # 6719, 1070 Lincoln Highway, Chambersburg, PA 17201, Chambersburg Borough, **Franklin County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18014, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Final Report concerning site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection

of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Barile Property, 11 Evergreen Road, Franklin Township, **Carbon County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Fegley Oil Company, 551 West Penn Pike, Tamaqua, PA 18252, submitted a Final Report concerning remediation of site soils contaminated with heating oil released from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on December 6, 2018.

Linwood Nursing and Rehab Center, 100 Florida Avenue, Scranton City, **Lackawanna County**. Bluestone Environmental Inc., 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Pennsylvania LTC, Inc., 100 Florida Avenue, Scranton, PA 18505 submitted a final report concerning remediation of site soils and groundwater contaminated with diesel from an underground storage tanks. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on December 10, 2018.

Silberline Manufacturing Company Inc., 201 East Dock Street, Lansford Borough, **Carbon County**. Leidos,

Inc, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Silberline Manufacturing Company, 201 East Dock Street, Lansford, PA 18232, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated due to releases of # 6 fuel oil and volatile organic compounds at the site. The report documented plans to remediate the site to meet the Site-Specific Standard and was approved by the Department on December 10, 2018.

R. Mackey Pad 1, 17281 Dimock to Nicholson Road, Lathrop Township, **Susquehanna County**. Woodward & Curran, 12 Frear Hill Road, Tunkhannock, PA 18657, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of a release of brine to the soil. The report documented remediation of the site to meet a combination of Background and Statewide Health Standards and was approved by the Department on December 11, 2018.

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

Wenger Feeds, LLC/Witmer Property, 2484 Gamber Road, Washington Borough, PA 17582, Manor Township, **Lancaster County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Donald Witmer, 2484 Gamber Road, Washington Borough, PA 17582, submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline released from an above-ground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on December 4, 2018.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Reissued

Dart Trucking Company, Inc., P.O. Box 157, North Lima, OH 44452. License No. PA-AH 0219. Effective Dec. 10, 2018.

Environmental Transport Group, Inc., P.O. Box 296, Flanders, NJ 07836-0296. License No. PA-AH 0104. Effective Dec 11, 2018.

Neier, Inc., P.O. Box 151, Coatesville, IN 46121. License No. PA-AH 0777. Effective Dec 10, 2018.

Transport Rollex Ltee, 910 Boulevard Lionel-Boulet, Varennes, QC J3X 1P7. License No. PA-AH 0544. Effective Dec 06, 2018.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Renewed Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR096 Base. On October 6, 2018, The Department of Environmental Protection (Department) published notice of its intent to modify and renew the base general permit (GP) WMGR096. This permit authorizes the beneficial use of regulated fill as a construction material. Under General Permit No. WMGR096, regulated fill may only be moved to a property that is approved for construction and meets one of the following criteria:

- The property is zoned and used exclusively for commercial and industrial uses, or
- The property is unzoned but exclusively used for commercial and industrial uses (excluding parks, playgrounds, nursing homes, child care facilities, schools or other residential-style facilities or recreation areas).

General Permit No. WMGR096 does not authorize blending or processing of fill with the purpose of meeting the concentration limits specified in Table GP-1 of the permit.

The Department received a significant level of public interest on the proposed modifications to the base GP. Due to the volume and extensiveness of the comments received, as well as the short amount of time available to evaluate the comments prior to the expiration date of the base GP, the Department has renewed the existing version of WMGR096 for one year and added a permit condition relating to renewal. All general permits that are renewed and that do not already contain the following condition are updated to include the condition as a standard practice:

In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.

The permit was renewed by Central Office and becomes effective on December 23, 2018. This action will provide the Department with the appropriate amount of time to thoughtfully consider the comments received and evaluate whether additional modifications to the base GP are necessary. The Department plans to re-notice proposed modifications to the base GP in the *Pennsylvania Bulletin* and provide for another 60-day public comment period after the comments received have been appropriately evaluated and addressed.

Persons interested in obtaining a copy of the renewed general permit may contact Chris Solloway, Environmental Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Permit Application No. 400695. Bio-Haz Solutions, 23 Tonoli Road, Nesquehoning, PA 18240. A permit application for a new medical waste processing facility located in Nesquehoning Borough, **Carbon County**. The application was approved by the Regional Office on December 6, 2018.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

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

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP1-40-004: DWMP Associates, LLC (126 Bell Mountain Road, Jermyn, PA 18433) on December 4, 2018 renewal for the operation of natural gas/# 2 oil fired boiler at the facility located in City of Hazleton, **Luzerne County**.

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

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

GP4-67-03169: Strip-it-Clean, LLC (605 Loucks Mill Road, York, PA 17403) on December 4, 2018, for two existing burnoff ovens, under GP4, at the facility located in Spring Garden Township, **York County**. The general permit authorization was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP3-14-342: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on November 29, 2018, for an authorization to construct and operate one (1) 2008 KPI model FT4240 crusher, one (1) 2011 McCloskey model C44 crusher, one (1) 2012 McCloskey model R155 screener, one (1) 2007 Extex S5 screener, and one (1) 2018 McCloskey J45 crusher pursuant to the General Plan Approval and/or General Operating Permit for Portable

Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at "The Cottages at State College" residential construction site located in Ferguson Township, **Centre County**.

GP11-14-342: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on November 29, 2018, for an authorization to construct and operate one (1) 2007 model 345 bhp Cummins QSL9-G3 diesel-fired engine, one (1) 2011 model 440 bhp Caterpillar C-13 diesel-fired engine, one (1) 2010 model 129.4 bhp Caterpillar C4.4 diesel-fired engine, one (1) 2007 model 100.4 bhp Deutz BF4M2010 diesel-fired engine, and one (1) 2016 model 374 bhp Caterpillar C-9 diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at "The Cottages at State College" residential construction site located in Ferguson Township, **Centre County**.

GP3-57-052: Dushore Materials, LLC (8724 Route 220, Dushore, PA 18614) on December 10, 2018, to construct and operate one Extec C12 crusher (Crusher # 1) rated at 400 tons per hour (tph), one Terex C1545 crusher (Crusher # 2) rated at 550 tph, and one Sandvik QE330 screener rated at 100 tph with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Dushore Materials facility located in Cherry Township, **Sullivan County**.

GP9-57-052: Dushore Materials, LLC (8724 Route 220, Dushore, PA 18614) on December 10, 2018, to construct and operate one 350 bhp Deutz AG 9157011 diesel-fired engine, one 444 bhp Scania DC13 084A diesel-fired engine, and one 99.9 bhp Caterpillar model C4 diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines at their Dushore Materials facility located in Cherry Township, **Sullivan County**.

GP4-19-193: K-Fab, Inc. (1408 Vine Street, Berwick, PA 18603) on December 4, 2018, authorized the construction and operation of 0.45 million Btu per hour, Pollution Control Products Company, model PRO 390 4464 natural gas-fired burn off oven pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-4: Burn off Ovens at the Dickson Street facility located in Briar Creek Township, **Columbia County**.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

GP13-26-00597: Bullskin Stone and Lime, LLC (P.O. Box 528, 117 Marcia Street, Latrobe, PA 15650) on December 5, 2018, to authorize the installation and operation of a 600 ton per hour Hot Mix Asphalt Plant for a fixed period of 5 years at their West Pad Asphalt facility located at 986 Pleasant Valley Road in Bullskin Township, **Fayette County**.

AG5A-63-00002A: Range Resources Appalachia, LLC (3000 Town Center Boulevard, Canonsburg, PA 15317) on December 5, 2018, received authorization under GP-5A for construction and/or operation of sources and controls associated with a natural gas well pad at its Brownlee Kelley 12333 facility located in Hopewell Township, **Washington County**.

GP1-65-00726: Gutchess Hardwoods, Inc. (185 Devereux Drive, Latrobe, PA 15650) on November 14, 2018, received authorization under GP-1 for construction

and operation of a natural gas-fired burner in an existing wood-fired boiler at its Latrobe Plant in Unity Township, **Westmoreland County**.

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

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

GP5-37-339C: PennEnergy Resources, LLC, Patterson Compressor Station (1000 Commerce Dr., Park Place One, Suite 400, Pittsburgh, PA 15275) on December 7, 2018, for the authority to operate a 690 bhp 4-stroke lean burn (4SLB) natural gas-fired engine, a 7.0 MMSCF/d capacity glycol dehydrator & reboiler, produced water and lube oil storage tank(s), truck loading operations, and associated fugitive emissions (BAQ-GPS/GP5) located at their facility in Little Beaver Township, **Lawrence County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

09-0241: Richard E. Pierson Materials Corp. (P.O. Box 714, Bridgeport, NJ 08014) On December 5, 2018 for the construction of a 1,000-ton per hour non-metallic mineral processing plant equipped with a wet suppression system at the existing Hanson Quarry in East Rockhill Township, **Bucks County**.

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

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

28-03068A: Pennsylvania Cherry, LLC (P.O. Box 269, Mercersburg, PA 17236) on December 4, 2018, for the installation of a lumber processing facility, located in Montgomery and Peters Townships, **Franklin County**. The Plan Approval will authorize to install a wood fired boiler controlled by an electrostatic precipitator, and lumber trimming and grinding operations controlled by cyclone separators, and a wood drying kiln.

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

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

10-027H: Calumet Karns City Refining, LLC (138 Petrolia St., Karns City, PA 16041), on November 29, 2018 issued a Plan Approval for the construction of a refrigerated condenser in Karns City Borough, **Butler County**. This is a Title V facility.

25-987G: Hanes Erie, Inc. (7601 Klier Dr. South, South Fairview Business Park, Fairview, PA 16415), on December 5, 2018 issued a Plan Approval for the installation and operation of an additional paint booth in Fairview Township, **Erie County**. This is a State Only facility.

27-015A: Tennessee Gas Pipeline, Marienville Station 307 (1001 Louisiana St., Ste 1000, Houston, TX 77002), on December 7, 2018 issued a Plan Approval for the installation of a RACT II control device for Source 135 and the installation of the oxidation catalyst in Howe Township, **Forest County**. This is a Title V facility.

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.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

04-00727B: Lambeth LLC (2061 Brodhead Rd, Aliquippa, PA 15001) plan approval transferred from Five Points Veterinary Clinic effective on November 14, 2018, for operation of one (1) Matthews International-Cremation Division IEB-20 natural gas-fired animal crematory at its facility located in Hopewell Township, **Beaver County**.

32-00438A: Rairigh-Bence Funeral Home, Inc. (965 Philadelphia Street, Indiana, PA 15701) plan approval extension effective on November 28, 2018, with expiration date of May 28, 2019, to extend the period of temporary operation of the crematory at the referenced facility in Indiana Borough, **Indiana County**.

30-00072I: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on November 28, 2018, with expiration date of May 28, 2019, to extend the period of temporary operation of sources and controls associated with the Enlow Fork Overland Conveyor located in Richhill Township, **Greene County** and East Finley Township, **Washington County**.

30-00072H: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on November 28, 2018, with expiration date of May 28, 2019, to extend the period of temporary operation of sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**.

30-00195: Equitrans, LP (625 Liberty Avenue, Suite 1700, EQT Plaza, Pittsburgh, PA 15222) plan approval extension effective on November 28, 2018, with expiration date of May 28, 2019, to extend the period of temporary operation of sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

32-00394A: Teawood, Inc. DBA Bowser Minich Pet Crematory (498 Ben Franklin Road South, Indiana, PA 15701) plan approval extension effective on November 28, 2018, with expiration date of May 28, 2019, to extend the period of temporary operation of the crematory at the referenced facility in White Township, **Indiana County**.

26-00575A: Green Ridge Cemeteries, Inc. (2901 Memorial Blvd., Connellsville, PA 15425) plan approval extension effective on November 28, 2018, with expiration date of May 28, 2019, to extend the period of temporary operation of the crematory at the referenced facility in Bullskin Township, **Fayette County**.

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

Southcentral Region: Air Quality Program, 909 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.

05-05006: Columbia Gas Transmission LLC (455 Racetrack Road, Washington, PA 15301-8910) on December 4, 2018, for the Artemas natural gas compressor station located in Mann Township, **Bedford County**. The Title V permit was renewed.

06-05033: Texas Eastern Transmission, LP (5400 Westheimer Court, Houston, TX 77056-5353) on December 4, 2018, for the Bernville natural gas transmission station located in North Heidelberg Township, **Berks County**. The Title V permit was renewed.

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

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

25-00069: BASF Corporation (1729 East Ave., Erie, PA 16503). On December 6, 2018, the Department issued a Title V Operating Permit for the BASF catalyst manufacturing plant located in the City of Erie, **Erie County**. This facility does not have potential emissions above the major source thresholds for any criteria pollutants, VOC, or HAPs. This facility is required to obtain a Title V permit under 40 CFR § 63.11494(e). Potential emissions are as follows: 27.1 tpy NO_x; 12.3 tpy CO; 0.1 tpy SO_x; 1.3 tpy PM₁₀; 1.3 tpy PM_{2.5}; 24.4 tpy VOC; and 0.5 all HAPs combined. Actual 2016 emissions are as follows: 12.35 tons NO_x; 6.03 tons CO; 0.04 ton SO_x; 0.30 ton PM₁₀; 0.30 ton PM_{2.5}; 3.25 tons VOC; and 0.07 ton all HAPs combined. The significant sources at the facility include 5 natural gas fueled boilers with combined total rated heat input of 55.06 million Btu/hr; blenders; material conveying equipment; 3 natural gas fueled emergency generators; and 3 parts washers. This facility is subject to the following Federal regulations: 40 CFR Part 60 Subpart Dc, NSPS for Small ICI Steam Generating Units; 40 CFR Part 63 Subpart VVVVVV, NESHAP for Chemical Manufacturing Area Sources; and 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary RICE. The conditions from Plan Approval 25-069Q are included in the operating permit. The permit includes a modification to remove the requirement to monitor pressure drop across 3 scrubbers in favor of monitoring the inlet water flow rate to each scrubber. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

23-00027: 3M Company (50 Milton Dr, Aston, PA 19014-2217) On December 5, 2018 for a renewal of a

State Only, Synthetic Minor Operating Permit as well as a minor operating permit modification in Chester Township, **Delaware 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.

39-00057: St. Luke's Hospital—Allentown Campus (1736 Hamilton Street, Allentown, PA 18104-5353). On December 6, 2018 the Department issued a renewal State-Only Synthetic Minor Permit for St. Luke's Hospital located in the City of Allentown, **Lehigh County**. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

48-00055: Hilltop Center, LLC (300 Cherryville Road, Northampton, PA 18067-9548). On December 10, 2018 the Department issued a renewal State-Only Natural Minor Permit for Hilltop Center, LLC located in Lehigh Township, **Northampton County**. The source at this location is a boiler. The source is considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

13-00010: AMETEK Corp., AMETEK/Westchester Plastics Div. (42 Mountain Avenue, Nesquehoning, PA 18240-2201). On December 4, 2018, the Department issued a renewal State-Only (Natural Minor) Permit for manufacturing of plastics materials and resins facility in Nesquehoning, **Carbon County**. The primary sources at this facility are extruders and production lines. The control devices are Baghouses and a Burnoff Oven. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), 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 Elmerston Avenue, Harrisburg, PA 17110.

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

67-05141: IWM International LLC (500 East Middle Street, Hanover, PA 17331-2027) on December 5, 2018, for the woven metal mesh products manufacturing facility located in Hanover Borough, **York County**.

67-03144: KRB Machinery (1058 Cool Creek Road, Wrightsville, PA 17368-9126) on December 4, 2018, for the machinery manufacturing facility located in Lower Windsor Township, **York County**. The State-only permit was renewed.

21-03023: The AMES Company, Inc. (465 Railroad Avenue, Camp Hill, PA 17011-5611) on December 3, 2018, for the lawn and garden tool manufacturing facility

located in Hampden Township, **Cumberland County**. The State-only permit was renewed.

07-05044: New Enterprise Stone & Lime Co., Inc. (P.O. Box 77, New Enterprise, PA 16664-0077) on December 4, 2018, for the stone crushing and blacktop operations at the Roaring Spring Quarry located in Taylor Township, **Blair County**. The State-only permit was renewed.

67-05015: TopFlight Corporation (277 Commerce Drive, Glen Rock, PA 17327-8625) on December 4, 2018, for the label printing facility located in Springfield Township, **York County**. The State-only permit was renewed.

67-03043: Envirite of PA, Inc. (730 Vogelsong Road, York, PA 17404-6707) on December 4, 2018, for the hazardous waste disposal facility located in York City, **York County**. The State-only permit was renewed.

36-03063: Debord Snyder Funeral Home & Crematory (141 East Orange Street, Lancaster, PA 17602-2851) on December 4, 2018, for the human crematory facility located in Lancaster City. The State-only permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

41-00086: LBV Professional Services, LLC (350 Spruce Street, Montoursville, PA 17754-1706) on December 7, 2018 issued a State only operating permit for their facility located in Montoursville Borough, **Lycoming County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

60-00012: Ritz-Craft Corporation of Pa, Inc. (P.O. Box 70, 15 Industrial Park Road, Mifflinburg, PA 17844-0070) on December 7, 2018 issued a State only operating permit for their facility located in Middleburg Borough, **Union County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

16-00133: Clarion Bathware (16273 Route 208, Marble, PA 16334-1515). On December 6, 2018, the Department issued the renewal of the Title V Operating Permit for the bath product and unit production facility located in Elk Township, **Clarion County**. The facility's primary emission sources include: miscellaneous natural gas usage, the open molding processes (production resin, gelcoat, and acrylic resin), and saws and grinders. The potential emissions, after permit limitations, of the major pollutants from the facility are as follows: 2.01 TPY (tons per year) NO_x, 1.21 TPY CO, 150.00 TPY VOC, 146.10 TPY total HAPs (hazardous air pollutants), 132.26 TPY Styrene, 10.07 TPY PM₁₀ and PM_{2.5}, and 0.01 TPY SO_x; thus, the facility is subject to Title V requirements for potential emissions of a single HAP in excess of ten (10) TPY (Styrene) and total HAPs in excess of 25 TPY, as well as potential VOC emissions exceeding 50 TPY for a facility located within the Northeast Ozone Transport Region. The open molding processes are subject to 40 CFR 63 Subpart WWWW NESHAP for Reinforced Plastic Composites Production. The miscellaneous natural gas sources are subject to presumptive RACT under 25

Pa. Code § 129.97(c)(3), and the open molding processes are subject to alternative RACT under 25 Pa. Code § 129.99(c) and (d), which will be addressed under another authorization. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00121: Northwest Hardwoods, Inc. (299 Hardwood Dr., Ridgway, PA 15853-7059). On December 3, 2018, the Department issued a State Only Natural Minor Operating Permit for the hardwood lumbers sawmill located in Ridgway Township, **Elk County**. The facility's primary emission sources include an 11.9 MMBtu/hr wood-fired boiler controlled by a multiclone, three (3) wood-fired space heaters, and miscellaneous woodworking operations controlled by a cyclone. The potential emissions of the primary pollutants from the facility are as follows: 12.38 TPY (tons per year) NO_x, 33.77 TPY CO, 0.96 TPY VOC, 19.01 TPY PM₁₀, 11.69 TPY PM_{2.5}, and 1.41 TPY SO_x; thus, the facility is a natural minor. The boiler is subject to 40 CFR 63 Subpart JJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00223: Tennessee Gas Pipeline Company Station 310 (1001 Louisiana Street, Suite 1000, Houston, TX 77002-5089). On November 28, 2018, the Department issued a renewal of the Natural Minor Operating Permit for a natural gas transmission station located in Sergeant Township, **McKean County**. The facility's primary emission sources include a 16,000 hp combustion turbine, a 570 hp emergency natural gas engine, miscellaneous natural gas fired sources and minor fugitive emissions. The turbine is subject to 40 CFR 60 Subpart KKKK pertaining to the NSPS for Stationary Combustion Turbines. The emergency engine is subject to 40 CFR 60 Subpart JJJJ pertaining to the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The potential emissions from the facility are 31 TPY NO_x; 67 TPY CO; 5 TPY VOC; 2 TPY SO_x; 4 TPY PM₁₀; 2 TPY formaldehyde; 2 TPY HAPs; and 73,167 TPY GHG CO_{2e}.

61-00218: Tennessee Gas Pipeline Company Station 303 (1001 Louisiana Street, Suite 1000, Houston, TX 77002-5089) the Department on December 7, 2018 issued a renew of the Natural Minor Operating Permit for the natural gas transmission station located in Cranberry Township, **Venango County**. The facility's primary emission sources include a 14,721 hp natural gas compressor turbine, a 578 hp emergency generator fueled by a natural gas engine, miscellaneous natural gas fired sources and minor fugitive emissions. The turbine is subject to 40 CFR 60 Subpart KKKK pertaining to the NSPS for Stationary Combustion Turbines. The emergency engine is subject to 40 CFR 60 Subpart JJJJ pertaining to the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The potential emissions from the facility are 31 TPY NO_x; 68 TPY CO; 5 TPY VOC; 2 TPY SO_x; 4 TPY PM₁₀; 2 TPY formaldehyde; 2TPY HAPs; and 65,910 TPY GHG CO_{2e}. The conditions of the plan approval were incorporated into the operating permit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

15-00017: Transcontinental Gas Pipe Line Company, LLC, (60 North Bacton Hill Road, Malvern, PA 19355), on December 3, 2018 for the Administrative Amendment of the Title V Operating Permit to amend the responsible official contact and the permit contact for their facility in East Whiteland Township, **Chester County**. This was conducted in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00081: Markel Corporation, (435 School Lane, Plymouth Meeting, PA 19462), on December 5, 2018 for the Administrative Amendment of the State-Only Operating Permit to change the responsible official contact for their facility in Plymouth Township, **Montgomery County**. This was conducted in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

53-00001: Tennessee Gas Pipeline Company LLC (1001 Louisiana Street, Houston, TX 77002) administratively amended on November 20, 2018, to revise the Responsible Official and add the Duly Authorized Representative with Responsible Official signatory on the Title V operating permit. This Tennessee Gas Pipeline Company LLC facility (Station 313 Coudersport) is in Hebron Township, **Potter County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.

62-00172: Glenn O Hawbaker—Brokenstraw Plant 22 (110 Muzzle Loaders Lane, Pittsfield, PA 16340) for its facility located in Pittsfield Township, **Warren County**. The De minimis emission increase is for the proposed construction of a Bin, Belt Feeder, and Conveyor. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Operating Permit issuance on November 29, 2017.

| Date | Source | PM ₁₀ (tons) | SO _x (tons) | NO _x (tons) | VOC (tons) | CO (tons) |
|--------------------------|-----------------------------|-----------------------------------|-----------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 12-5-18 | Bin, Belt Feeder & Conveyor | 0.072 | | | | |
| Total Reported Increases | | 0.072 | | | | |
| Allowable | | 0.6 ton/source
3 tons/facility | 1.6 ton/source
8 tons/facility | 1 ton/source
5 tons/facility | 1 ton/source
5 tons/facility | 4 tons/source
20 tons/facility |

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6328.

37-00003: Argos USA LLC Bessemer Plant (3015 Winward Plaza, Suite 300, Alpharetta, GA 30005) on December 7, 2018, the permit was revoked for the facility located in Bessemer Borough, **Lawrence County**. This State Operating Permit was revoked because the sources have not operated since May 2017 and the facility did not submit a deactivation notice or maintenance plan for the sources.

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.

02733702 and NPDES No. PA0023370. **Consol Mining Company LLC**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the NPDES permit for the Renton Refuse Area in Plum Township, **Allegheny County**. No additional discharges. The application was considered administratively complete on July 29, 2015. Application received: May 29, 2014. Permit issued: December 3, 2018.

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

Permit No. 32030110, Fossil Fuel, Inc., 690 Weaver Road, Marion Center, PA 15759-5511, renewal for reclamation

only of a bituminous surface and auger permit in East Mahoning & Grant Townships, **Indiana County**, affecting 43.0 acres. Receiving stream: unnamed tributaries to Crooked Run to Little Mahoning Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 15, 2018. Permit issued: December 3, 2018.

Permit No. 11070201 and NPDES No. PA0262391, Fuel Recovery Inc., 254 Interpower Drive, Colver, PA 15927, permit renewal for reclamation only of a bituminous surface mine in Washington Township, **Cambria County**, affecting 87.8 acres. Receiving streams: unnamed tributary to/and Bear Rock Run and Burgoon Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 11, 2018. Permit issued: December 6, 2018.

Permit No. 32070103, RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, permit renewal for reclamation only of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 201.4 acres. Receiving stream: 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: June 11, 2018. Permit issued: December 7, 2018.

Noncoal Permits Issued

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

4976SM4 and NPDES PA0608858. DeCristo, Inc. (9070 Route 414, Canton, PA 17724). Transfer and renewal of an existing large noncoal mine site from New Enterprise Stone & Lime, Inc. dba Eastern Industries, Inc. located in Middlebury Township, **Tioga County** affecting 38.1 acres. Receiving stream(s): Norris Brook classified for the following use(s): TSF, MF, EV. There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2018. Permit issued: November 29, 2018.

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.

E02-1794, City of Pittsburgh Department of Mobility and Infrastructure, City County Building, Room 215B, 514 Grant Street, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain grouted and non-grouted rock bank protection, and the construction of modular concrete jumbo blocks and gabion walls along 955 linear feet of stream.

2. Remove gravel bars and nonnative materials from the stream bed along 1,000 linear feet of stream.

For the purpose of improving bank stability and stream flood conditions. The project will take place within Streets Run (WWF). Due to the aforementioned areas overlapping the project will cumulatively impact 1,000 linear feet of stream. Mitigation is not required due to the nature of the project. The project site is located in the Hays neighborhood (Pittsburgh East, PA USGS topographic quadrangle; N: 40°, 23', 02"; W: -79°, 55', 59"; Sub-basin 19A; USACE Pittsburgh District), in the City of Pittsburgh, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

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

EA36-052: Mr. James Zimmerman, 201 Wanner Road, Ephrata, PA 17522 in Earl Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To the regrading and maintenance of 1,675 feet of the left bank of the Conestoga River for the purposes of reducing the frequency of flooding and restoring the riparian buffer. The project is located near the intersection of Kurtz Road and Martindale Road (Latitude: 40° 09' 13" N; Longitude: 76° 06' 43" W) in Earl Township, Lancaster County. No wetlands will be impacted by this project. The permit was issued on December 6, 2018.

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.

D21-206EA. Cindy Foster, Borough Manager, Borough of Lemoyne, 510 Herman Avenue, Lemoyne, PA 17043, Lemoyne Borough, **Cumberland County**, USACOE Baltimore District.

Project proposes to remove the breached remains of the Lemoyne Borough Dam to eliminate a threat to public safety and to restore approximately 220 feet of stream channel to a free-flowing condition. The proposed restoration project includes construction of grade and erosion control structures in the stream channel through the former reservoir and immediately downstream from the dam where significant erosion has occurred. The project is located across a tributary to the Susquehanna River (WWF, MF) (West Harrisburg, PA Quadrangle, Latitude: 40.2509; Longitude: -76.9089).

DAM SAFETY

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

D54-001A. Lofty Reservoir Dam, Mahanoy Township Authority, 46 North Main Street, Mahanoy City, PA 17948. Permit issued to operate and maintain Lofty Reservoir Dam across Messers Run (HQ-CWF) in accordance with all permit conditions (Delano, PA Quadrangle; Latitude: 40° 52' 20", Longitude: -76° 02' 42") in Kline Township, **Schuylkill County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, 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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX18-019-0025—Chamaeleon Well Pad
Applicant EM Energy PA, LLC
Contact Hugh Caperton
Address 1800 Marin Street, Suite 220
City Canonsburg State PA Zip Code 15317
County Butler
Township(s) Parker
Receiving Stream(s) and Classification(s) UNT to Bear Creek/Bear Creek CWF

ESCGP-2 # ESG13-083-0011B—West Branch Pad O
Applicant Seneca Resources Company, LLC
Contact Doug Kepler
Address 5800 Corporate Drive, Suite 300
City Pittsburgh State PA Zip Code 15237
County McKean
Township(s) Sergeant
Receiving Stream(s) and Classification(s) UNT to Straight Creek/Upper Clarion River; UNT to Dead Mans Lick/Sinnemahoning Creek

ESCGP-2 # ESG18-083-0002—Tally Ho Pipeline Replacement
Applicant Pennhills Resources
Contact Stuart Morris
Address 3055 Route 219
City Kane State PA Zip Code 16735
County McKean
Township(s) Lafayette & Hamlin
Receiving Stream(s) and Classification(s) Windfall Run (HQ-CWF), Kinzua Creek (CWF), UNT to Wintergreen Run (CWF) UNT to Turnup Run, Lewis Run & Miam Run (HQ-CWF)

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

ESCGP-2 # ESG29-027-18-0002
Applicant Name ARD Operating, LLC
Contact Person Stephen Barondeau
Address 33 West Third Street, Suite 300
City, State, Zip Williamsport, PA 17701
County Centre
Township(s) Curtin Twp.
Receiving Stream(s) and Classification(s) Primary Watershed(s): UNT to Hayes Run (EV).
Secondary Watershed(s): Hayes Run (EV).

ESCGP-2 # ESX29-115-18-0067
Applicant Name Williams Field Services Company, LLC
Contact Person Adam Weightman
Address 400 1st Center, Suite 404
City, State, Zip Horseheads, NY 14845
County Susquehanna
Township(s) Auburn & Springville Twps.
Receiving Stream(s) and Classification(s) Unnamed tributaries to Riley Creek (CWF-MF) and Unnamed tributaries to White Creek (CWF-MF)

ESCGP-2 # ESG29-117-18-0022
Applicant Name UGI Texas Creek, LLC
Contact Person Dante D'Alessandro
Address One Meridian Boulevard, Suite 2C01
City, State, Zip Wyomissing, PA 19610
County Tioga
Township(s) Liberty Twp.
Receiving Stream(s) and Classification(s) Brion Creek (EV), Salt Spring Run (EV)

ESCGP-2 # ESG29-117-18-0006
Applicant Name REPSOL Oil and Gas USA, LLC
Contact Person Lance Ridall
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Tioga
Township(s) Sullivan and Ward Twps.
Receiving Stream(s) and Classification(s) Fall Brook (CWF), Fellows Creek (CWF)

ESCGP-2 # ESX29-115-18-0055
Applicant Name UGI Energy Services, LLC
Contact Person Michael Mara
Address One Meridian Boulevard, Suite 2C01
City, State, Zip Wyomissing, PA 19610
County Susquehanna
Township(s) Auburn Twp.
Receiving Stream(s) and Classification(s) Dority Creek (CWF-MF)

SPECIAL NOTICES

Proposed State Water Quality Certification Required by Section 401 of the Clean Water Act for the Temple Truck Rack Expansion Project

Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

DEP File No.: WQ03-004 UGI LNG, Inc. (UGI or Applicant), 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, Temple Truck Rack Expansion Project (Project) located at 5665 Leesport Ave., Reading, Ontelaunee Township, **Berks County** (Lat: 40° 25' 28.18"; Long: -75° 55' 19.95").

On November 14, 2016, UGI applied to the Federal Energy Regulatory Commission (FERC) for a certificate of public convenience and necessity (Docket No. CP17-14-000) pursuant to Section 7(c) of the Natural Gas Act. UGI proposes to construct and operate certain natural gas pipeline facilities to expand their existing Temple Liquefied Natural Gas (LNG) Peak-shaving Facility (aka: Temple Truck Rack Expansion Project) in Berks County.

On October 1, 2018, UGI requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in this Commonwealth through compliance with State water quality standards

and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The proposed overall Project consists of the following activities: construction and operation of two additional LNG loading and unloading terminals, two rack scales, transfer piping, and associated equipment in support of the truck rack expansion, as well as a new driveway for the expansion to Willow Creek Road at the Project site. Approximately 9.5 acres of earth disturbance is proposed within the property footprint of the existing truck rack site, with approximately 5.6 acres of permanent use areas proposed.

The receiving surface water for the Project is Willow Creek. No watercourse, floodway, water body or wetland impacts are proposed by UGI for this Project.

The Department anticipates issuing a State water quality certification to Applicant for the Temple Truck Rack Expansion Project that will require compliance with the following State water quality permitting programs, criteria and conditions established under State law to ensure the Temple Truck Rack Expansion Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the Project under Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a) if such discharges are proposed.

2. *Erosion and Sediment Control Permit*—Applicant shall comply with the Department's Chapter 102 Individual NPDES permit for the discharge of stormwater associated with construction activities, NPDES Permit No. PAD060002 issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the Project under Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.) and all applicable implementing regulations (25 Pa. Code Chapter 105), if such water resource impacts are proposed and as these requirements are applicable.

4. *Delaware River Basin Commission*—The Applicant shall comply with any Delaware River Basin Commission (DRBC) approvals that may be necessary from the DRBC for the Project.

5. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate

laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department, or an authorized representative thereof, during such inspections of the Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Department's Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the Certification and any permits, authorizations and approvals obtained to comply with the Certification. The new owner shall submit to the Department a new application form for the Certification and any permits, authorizations and approvals required to comply with the Certification signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

10. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if (i) the Department becomes aware of new facts about the Project that warrant such action; or (ii) the Department determines that the Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

12. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

The Environmental Assessment prepared by FERC may be viewed on FERC's website at www.ferc.gov under the Docket No. CP17-14-000.

Prior to issuance of the final State water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Written comments should be submitted by e-mail to EP, WW-SCRO@pa.gov or by mail at the previously listed address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) and should be directed to Program Manager, Waterways and Wetlands Program. Comments must be submitted in writing and contain the name, address and telephone number of the person commenting

and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

[Pa.B. Doc. No. 18-1974. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Coal Mining Reclamation Fee Amount for 2019

The Department of Environmental Protection (Department) announces the amount of the per acre Reclamation Fee for 2019. Effective January 1, 2019, the per acre Reclamation Fee will be \$0. The fee amount is recalculated each year in accordance with 25 Pa. Code § 86.17(e)(4) (relating to permit and reclamation fees). Refer to 25 Pa. Code § 86.17 for more detailed information.

Annual adjustments to the per acre Reclamation Fee are based on a fiscal year report that contains a financial analysis of the revenue and expenditures from the Reclamation Fee O & M Trust Account for Fiscal Year (FY) 2017-2018. The report also provides projections for FY 2018-2019. The report was reviewed with the Department's Mining and Reclamation Advisory Board on October 25, 2018.

The final fiscal year report is available at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Reports/Pages/default.aspx>.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1975. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, January 16, 2019, and Thursday, January 17, 2019, from 9 a.m. to 4 p.m. at the Best Western Premier, 800 East Park Drive, Harrisburg, PA 17111.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so, contact Cynthia Findley, Bureau Director, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1976. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing, Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Thursday, January 10, 2019, from 1 p.m. until 3 p.m. The meeting will be held at the Department of Transportation Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543. Agenda items will include updates about the program, reports by the cytomegalovirus and Audiology subcommittees, and review of Audiologist and Primary Care Provider informational documents.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Mark Beall, Program Administrator, Division of Newborn Screening and Genetics, (717) 783-8143, or for 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. 18-1977. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking exception to 28 Pa. Code § 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Valley View Rehab and Nursing Center
2140 Warrensville Road
Montoursville, PA 17754
FAC ID # 027602

The following long-term care nursing facility is seeking exception to 28 Pa. Code § 201.22(h) and (j):

Moravian Hall Square Health and Wellness Center
175 West North Street
Nazareth, PA 18064
FAC ID # 392702

The following long-term care nursing facility is seeking exception to 28 Pa. Code § 205.6(a) (relating to function of building):

SpiriTrust Lutheran the Village at Luther Ridge
2735 Luther Drive
Chambersburg, PA 17202
FAC ID # 25750201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1978. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2018-2019 disproportionate share hospital (DSH) 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 does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

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) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1300. (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; (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. 18-1979. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funding for Fiscal Year (FY) 2018-2019 disproportionate share hospital (DSH) payments to certain Medical Assistance (MA) enrolled acute care general hospitals that participate in an academic medical program. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are still applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

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) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider all comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1298. (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) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1980. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2018-2019 disproportionate share hospital (DSH) payments for 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 this Commonwealth. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are still applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

DEPARTMENT OF HUMAN SERVICES

Fee Increases for Certain Ambulance Transportation Services

The Department of Human Services (Department) announces that it will increase fees in the Medical Assistance (MA) Program for certain ambulance transportation services in both the fee-for-service and managed care delivery systems for dates of service on and after January 1, 2019.

Discussion

Act 2018-42 (P.L. 281, No. 42) (Act 42), enacted on June 22, 2018, authorizes increased MA fees for ambulance transportation services in both the fee-for-service and managed care delivery systems. Specifically, Act 42 authorizes the following fees: not less than \$180 per loaded trip for basic life support ambulance transportation services; not less than \$300 per loaded trip for advanced life support ambulance transportation services; and not less than \$3,325.53 per loaded trip for air ambulance transportation services. Act 42 also authorizes a fee of not less than \$2 per loaded mile for each loaded mile beyond 20 loaded miles for ground mileage and a fee of not less than \$22.45 per loaded mile for each loaded mile beyond 20 loaded miles for air mileage.

As a result, the Department is revising the fees on the MA Fee Schedule for the following procedure codes effective with dates of service on and after January 1, 2019:

| <i>Procedure Code</i> | <i>Procedure Code Definition</i> | <i>Pricing Modifier</i> | <i>Current MA Fee</i> | <i>New MA Fee</i> |
|-----------------------|--|-------------------------|-----------------------|-------------------|
| A0426 | Ambulance service, advanced life support, nonemergency transport, level 1 (ALS1) | | \$200 | \$300 |

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) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1301. (1) General Fund;

(a) Health Program Assistance and Services

(7) MA—Fee-for-Service; (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;

(b) Autism Intervention and Services

(7) MA—Fee-for-Service; (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. 18-1981. Filed for public inspection December 21, 2018, 9:00 a.m.]

| <i>Procedure Code</i> | <i>Procedure Code Definition</i> | <i>Pricing Modifier</i> | <i>Current MA Fee</i> | <i>New MA Fee</i> |
|-----------------------|---|-------------------------|---|--|
| A0427 | Ambulance service, advanced life support, emergency transport, level 1 (ALS1—emergency) | | \$200 | \$300 |
| A0428 | Ambulance service, basic life support, nonemergency transport (BLS) | | \$120 | \$180 |
| A0429 | Ambulance service, basic life support, emergency transport (BLS, emergency) | | \$120 | \$180 |
| A0430 | Ambulance service, conventional air services, transport, one way (fixed wing) | U8 | \$200 | \$3,325.53 |
| A0431 | Ambulance service, conventional air services, transport, one way (rotary wing) | | \$200 | \$3,325.53 |
| A0433 | Advanced life support, level 2 (ALS 2) | | \$200 | \$300 |
| A0434 | Specialty care transport (SCT) | | \$200 | \$300 |
| A0435 | Fixed wing air mileage, per statute mile | | \$2 per mile beyond the first 20 loaded miles of a trip | \$22.45 per mile for each loaded mile beyond 20 loaded miles of a trip |
| A0436 | Rotary wing air mileage, per statute mile | | \$2 per mile beyond the first 20 loaded miles of a trip | \$22.45 per mile for each loaded mile beyond 20 loaded miles of a trip |

Fiscal Impact

The Fiscal Year (FY) 2018-2019 fiscal impact is \$3.672 million (\$1.351 million in State general funds and \$2.321 million in Federal funds).

The FY 2019-2020 fiscal impact is an annualized amount of \$5.753 million (\$1.940 million in State general funds and \$3.813 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments regarding the revised ambulance transportation fees to the Department of Human Services, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to ambulance transportation fees.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1296. (1) General Fund; (2) Implementing Year 2018-19 is \$1,351,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$1,940,000; (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. 18-1982. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Human Services (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i),

1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

A. *Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2017, through June 30, 2018, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2017, to June 30, 2018, disproportionate share payment percentages:

| | |
|--|--------|
| ALBERT EINSTEIN MEDICAL CENTER | 4.92% |
| ALFRED I. DUPONT INSTITUTE | 7.64% |
| BARNES KASSON HOSPITAL | 1.43% |
| BRADFORD REGIONAL MEDICAL CENTER | 10.00% |
| CHARLES COLE MEMORIAL HOSPITAL | 1.00% |
| CHILDREN'S HOSPITAL OF PHILADELPHIA | 7.19% |
| CROZER CHESTER MEDICAL CENTER | 3.10% |
| DELAWARE COUNTY MEMORIAL HOSPITAL | 2.18% |
| DIVINE PROVIDENCE HOSPITAL | 5.54% |
| GEISINGER MEDICAL CENTER | 6.84% |
| GUTHRIE TOWANDA MEMORIAL HOSPITAL | 3.36% |
| HAHNEMANN UNIVERSITY HOSPITAL | 4.52% |
| HIGHLANDS HOSPITAL AND HEALTH CENTER | 4.56% |
| J.C. BLAIR MEMORIAL HOSPITAL | 4.78% |
| KENSINGTON HOSPITAL | 14.00% |
| LOCK HAVEN HOSPITAL | 3.16% |
| MERCY FITZGERALD HOSPITAL | 2.69% |
| MERCY HOSPITAL OF PHILADELPHIA | 5.19% |
| MILLCREEK COMMUNITY HOSPITAL | 5.00% |
| PENN HIGHLANDS DUBOIS | 9.00% |
| PENN PRESBYTERIAN MEDICAL CENTER | 2.88% |
| PENNSYLVANIA HOSPITAL | 3.66% |
| SCHUYLKILL MEDICAL CENTER SOUTH POTTSVILLE | 6.68% |
| SOLDIERS AND SAILORS MEMORIAL HOSPITAL | 8.75% |
| SUNBURY COMMUNITY HOSPITAL | 6.26% |
| ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN | 15.00% |
| TEMPLE UNIVERSITY HOSPITAL | 6.66% |
| THOMAS JEFFERSON UNIVERSITY HOSPITAL | 2.60% |
| TITUSVILLE AREA HOSPITAL | 2.84% |
| TROY COMMUNITY HOSPITAL | 3.98% |
| UNIONTOWN HOSPITAL | 1.84% |
| UNIVERSITY OF PENNSYLVANIA HOSPITAL | 3.13% |
| UPMC BEDFORD MEMORIAL | 2.96% |
| UPMC CHILDREN'S HOSPITAL OF PITTSBURGH | 9.14% |
| UPMC MAGEE WOMEN'S HOSPITAL | 5.55% |
| UPMC MERCY | 1.65% |
| UPMC PRESBYTERIAN SHADYSIDE | 2.48% |
| VALLEY FORGE MEDICAL CENTER AND HOSPITAL | 5.05% |
| WEST VIRGINIA UNIVERSITY HOSPITALS | 5.76% |
| WPAHS ALLEGHENY GENERAL HOSPITAL | 1.37% |
| WPAHS WESTERN PENNSYLVANIA HOSPITAL | 2.44% |

Psychiatric Units of Inpatient Hospitals

| | |
|----------------------------------|-------|
| ALBERT EINSTEIN MEDICAL CENTER | 2.97% |
| BRADFORD REGIONAL MEDICAL CENTER | 2.81% |
| CROZER CHESTER MEDICAL CENTER | 2.02% |
| DIVINE PROVIDENCE HOSPITAL | 3.30% |
| EAGLEVILLE HOSPITAL | 1.74% |
| GEISINGER MEDICAL CENTER | 2.06% |
| HAHNEMANN UNIVERSITY HOSPITAL | 2.76% |
| HIGHLANDS HOSPITAL | 2.78% |
| J.C. BLAIR MEMORIAL HOSPITAL | 1.63% |
| MERCY FITZGERALD HOSPITAL | 1.80% |
| MERCY HOSPITAL OF PHILADELPHIA | 3.11% |
| MILLCREEK COMMUNITY HOSPITAL | 3.02% |
| NPHS GIRARD MEDICAL CENTER | 2.98% |

| | |
|--|-------|
| PENN HIGHLANDS DUBOIS | 2.52% |
| PENN PRESBYTERIAN MEDICAL CENTER | 1.90% |
| PENNSYLVANIA HOSPITAL | 2.31% |
| SCHUYLKILL MEDICAL CENTER SOUTH POTTSVILLE | 2.03% |
| SUNBURY COMMUNITY HOSPITAL | 1.94% |
| TEMPLE UNIVERSITY HOSPITAL | 3.89% |
| THOMAS JEFFERSON UNIVERSITY HOSPITAL | 1.75% |
| UPMC MERCY | 1.26% |
| UPMC PRESBYTERIAN SHADYSIDE | 1.69% |

Drug and Alcohol Units of Acute Care Hospitals

| | |
|--|-------|
| PENN PRESBYTERIAN MEDICAL CENTER | 1.95% |
| VALLEY FORGE MEDICAL CENTER AND HOSPITAL | 3.63% |

Medical Rehabilitation Units of Acute Care Hospitals

| | |
|--------------------------------------|-------|
| ALBERT EINSTEIN MEDICAL CENTER | 3.53% |
| ALFRED I. DUPONT INSTITUTE | 5.65% |
| CHILDREN'S HOSPITAL OF PHILADELPHIA | 5.29% |
| CROZER CHESTER MEDICAL CENTER | 2.12% |
| DELAWARE COUNTY MEMORIAL HOSPITAL | 1.41% |
| MERCY FITZGERALD HOSPITAL | 1.80% |
| PENN HIGHLANDS DUBOIS | 2.87% |
| TEMPLE UNIVERSITY HOSPITAL | 4.88% |
| THOMAS JEFFERSON UNIVERSITY HOSPITAL | 1.73% |
| UNIVERSITY OF PENNSYLVANIA HOSPITAL | 2.14% |
| UPMC MERCY | 1.00% |
| UPMC PRESBYTERIAN SHADYSIDE | 1.64% |

Freestanding Rehabilitation Hospitals

| | |
|------------------------------------|--------|
| CHILDREN'S HOME OF PITTSBURGH | 10.00% |
| CHILDREN'S INSTITUTE OF PITTSBURGH | 6.33% |

Private Psychiatric Hospitals

| | |
|---------------------------------------|--------|
| BELMONT BEHAVIORAL HOSPITAL | 3.97% |
| BROOKE GLEN BEHAVIORAL HEALTH | 3.09% |
| CLARION PSYCHIATRIC CENTER | 5.81% |
| DEVEREUX CHILDREN'S BEHAVIORAL HEALTH | 10.00% |
| FAIRMOUNT BEHAVIORAL HEALTH SYSTEM | 4.70% |
| FIRST HOSPITAL WYOMING VALLEY | 4.73% |
| FOUNDATIONS BEHAVIORAL HEALTH | 5.27% |
| FRIENDS BEHAVIORAL HEALTH SYSTEM | 4.01% |
| HORSHAM PSYCHIATRIC HOSPITAL | 4.15% |
| KIDSPACE HOSPITAL | 7.48% |
| KIRKBRIDE CENTER | 4.27% |
| MEADOWS PSYCHIATRIC CENTER | 5.95% |
| MONTGOMERY COUNTY EMERGENCY SERVICES | 4.90% |
| ROXBURY PSYCHIATRIC HOSPITAL | 1.00% |
| SOUTHWOOD PSYCHIATRIC HOSPITAL | 9.00% |
| WELLSPAN PHILHAVEN | 4.04% |

Private Drug and Alcohol Hospitals

| | |
|---------------------|-------|
| EAGLEVILLE HOSPITAL | 1.72% |
|---------------------|-------|

B. Additional Disproportionate Share Payments

Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to Title XIX beneficiaries, 21 years of age or older but under 65 years of age, who have been determined to be low income by meeting the income and resource standards for the Commonwealth's MA Program. The

payment adjustments are paid directly proportional to the payment received for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

Acute Care General Hospitals

ABINGTON MEMORIAL HOSPITAL
 ADVANCED SURGICAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ALFRED I. DUPONT INSTITUTE
 ALLE KISKI MEDICAL CENTER
 AMERICAN ONCOLOGIC HOSPITAL
 ARIA HEALTH HOSPITAL
 ARMSTRONG COUNTY MEMORIAL HOSPITAL
 BARNES KASSON HOSPITAL
 BRADFORD REGIONAL MEDICAL CENTER
 BRANDYWINE HOSPITAL
 BRYN MAWR HOSPITAL
 BUCKTAIL MEDICAL CENTER
 BUTLER MEMORIAL HOSPITAL
 CANONSBURG GENERAL HOSPITAL
 CH HOSPITAL OF ALLENTOWN
 CHAMBERSBURG HOSPITAL
 CHARLES COLE MEMORIAL HOSPITAL
 CHESTER COUNTY HOSPITAL
 CHESTNUT HILL HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CHS BERWICK HOSPITAL CENTER
 CLARION HOSPITAL
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CONEMAUGH MEYERSDALE MEDICAL CENTER
 CONEMAUGH MINERS MEDICAL CENTER
 CONEMAUGH NASON MEDICAL CENTER
 COORDINATED HEALTH ORTHOPEDIC HOSPITAL
 CORRY MEMORIAL HOSPITAL
 CROZER CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL HOSPITAL
 DIVINE PROVIDENCE HOSPITAL
 DOYLESTOWN HOSPITAL
 EASTON HOSPITAL
 EINSTEIN MEDICAL CENTER MONTGOMERY
 ELLWOOD CITY HOSPITAL
 ENDLESS MOUNTAINS HEALTH SYSTEM
 EVANGELICAL COMMUNITY HOSPITAL
 FRICK HOSPITAL
 FULTON COUNTY MEDICAL CENTER
 GEISINGER BLOOMSBURG HOSPITAL
 GEISINGER COMMUNITY MEDICAL CENTER
 GEISINGER LEWISTOWN HOSPITAL
 GEISINGER MEDICAL CENTER
 GEISINGER WYOMING VALLEY MEDICAL CENTER
 GOOD SAMARITAN HOSPITAL
 GOOD SHEPHERD PENN PARTNERS SPECIALTY
 HOSPITAL AT RITTENHOUSE
 GOOD SHEPHERD SPECIALTY HOSPITAL
 GRAND VIEW HOSPITAL
 GROVE CITY MEDICAL CENTER
 GUTHRIE TOWANDA MEMORIAL HOSPITAL
 HAHNEMANN UNIVERSITY HOSPITAL
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 HIGHLANDS HOSPITAL AND HEALTH CENTER
 HOLY REDEEMER HOSPITAL
 HOLY SPIRIT HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR MEMORIAL HOSPITAL
 JEANES HOSPITAL
 JEFFERSON HEALTH SERVICES

JENNERSVILLE REGIONAL HOSPITAL
 JERSEY SHORE HOSPITAL
 KANE COMMUNITY HOSPITAL
 KENSINGTON HOSPITAL
 KINDRED HOSPITAL PHILADELPHIA
 KINDRED HOSPITAL PHILADELPHIA SOUTH
 LANCASTER GENERAL HOSPITAL
 LANSDALE HOSPITAL
 LATROBE AREA HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LEHIGH VALLEY HOSPITAL HAZLETON
 LEHIGH VALLEY HOSPITAL MUHLENBERG
 LIFECARE HOSPITALS OF CHESTER COUNTY
 LIFECARE HOSPITALS OF MECHANICSBURG
 LIFECARE HOSPITAL OF PITTSBURGH SUBURBAN
 LOCK HAVEN HOSPITAL
 LOWER BUCKS HOSPITAL
 MAIN LINE HOSPITAL LANKENAU
 MEADVILLE MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MERCY PHILADELPHIA HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MILTON S. HERSHEY MEDICAL CENTER
 MONONGAHELA VALLEY HOSPITAL
 MOSES TAYLOR HOSPITAL
 MOUNT NITTANY MEDICAL CENTER
 MUNCY VALLEY HOSPITAL
 NAZARETH HOSPITAL
 OHIO VALLEY GENERAL HOSPITAL
 OSS ORTHOPAEDIC HOSPITAL
 PAOLI MEMORIAL HOSPITAL
 PENN HIGHLANDS BROOKVILLE
 PENN HIGHLANDS CLEARFIELD
 PENN HIGHLANDS DUBOIS
 PENN HIGHLANDS ELK
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 PHOENIXVILLE HOSPITAL
 PHYSICIANS CARE SURGICAL HOSPITAL
 PINNACLE HEALTH CARLISLE REGIONAL MEDICAL
 CENTER
 PINNACLE HEALTH HEART OF LANCASTER
 MEDICAL CENTER
 PINNACLE HEALTH HOSPITALS
 PINNACLE HEALTH LANCASTER REGIONAL
 MEDICAL CENTER
 PINNACLE HEALTH MEMORIAL HOSPITAL
 POCONO MEDICAL CENTER
 POTTSTOWN HOSPITAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL
 REGIONAL HOSPITAL OF SCRANTON
 RIDDLE MEMORIAL HOSPITAL
 ROBERT PACKER HOSPITAL
 ROXBOROUGH MEMORIAL HOSPITAL
 SACRED HEART HOSPITAL
 SAINT VINCENT HEALTH CENTER
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN
 STREET
 SCHUYLKILL MEDICAL CENTER SOUTH
 POTTSVILLE
 SELECT SPECIALTY CENTRAL PENNSYLVANIA
 SELECT SPECIALTY DANVILLE
 SELECT SPECIALTY ERIE
 SELECT SPECIALTY JOHNSTOWN
 SELECT SPECIALTY LAUREL HIGHLANDS
 SELECT SPECIALTY MCKEESPORT
 SELECT SPECIALTY PITTSBURGH UPMC
 SHARON REGIONAL MEDICAL CENTER

SHRINERS HOSPITALS FOR CHILDREN
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 SOMERSET COMMUNITY HOSPITAL
 ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN
 ST. CLAIR MEMORIAL HOSPITAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKE'S HOSPITAL ANDERSON CAMPUS
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 ST. LUKE'S HOSPITAL GNADEN HUETTEN CAMPUS
 ST. LUKE'S HOSPITAL PALMERTON CAMPUS
 ST. LUKE'S HOSPITAL QUAKERTOWN
 ST. LUKE'S MINERS MEMORIAL HOSPITAL
 ST. MARY MEDICAL CENTER
 SUBURBAN COMMUNITY HOSPITAL
 SUNBURY COMMUNITY HOSPITAL
 SURGERY CENTER AT EDGEWOOD PLACE
 SURGICAL INSTITUTE OF READING
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 TITUSVILLE AREA HOSPITAL
 TROY COMMUNITY HOSPITAL
 TYLER MEMORIAL HOSPITAL
 TYRONE HOSPITAL
 UNIONTOWN HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC ALTOONA
 UPMC BEDFORD MEMORIAL
 UPMC CHILDREN'S HOSPITAL OF PITTSBURGH
 UPMC EAST
 UPMC HAMOT
 UPMC HORIZON
 UPMC JAMESON
 UPMC MAGEE WOMEN'S HOSPITAL
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PASSAVANT HOSPITAL
 UPMC PINNACLE HANOVER
 UPMC PRESBYTERIAN SHADYSIDE
 UPMC ST. MARGARET
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL
 WARREN GENERAL HOSPITAL
 WASHINGTON HEALTH SYSTEM GREENE
 WASHINGTON HOSPITAL
 WAYNE MEMORIAL HOSPITAL
 WAYNESBORO HOSPITAL
 WELLSPAN EPHRATA COMMUNITY HOSPITAL
 WELLSPAN GETTYSBURG HOSPITAL
 WELLSPAN SURGERY AND REHABILITATION
 HOSPITAL
 WEST VIRGINIA UNIVERSITY HOSPITALS
 WESTMORELAND REGIONAL HOSPITAL
 WILKES BARRE GENERAL HOSPITAL
 WILLIAMSPORT HOSPITAL
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Psychiatric Units of Inpatient Hospitals

ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ALLE KISKI MEDICAL CENTER
 ARIA HEALTH HOSPITAL
 ARMSTRONG COUNTY MEMORIAL HOSPITAL
 BRADFORD REGIONAL MEDICAL CENTER
 BRANDYWINE HOSPITAL
 BRYN MAWR HOSPITAL
 BUTLER MEMORIAL HOSPITAL

CHAMBERSBURG HOSPITAL
 CHS BERWICK HOSPITAL CENTER
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CROZER CHESTER MEDICAL CENTER
 DIVINE PROVIDENCE HOSPITAL
 EAGLEVILLE HOSPITAL
 GEISINGER BLOOMSBURG HOSPITAL
 GEISINGER COMMUNITY MEDICAL CENTER
 GEISINGER LEWISTOWN HOSPITAL
 GEISINGER MEDICAL CENTER
 GEISINGER SHAMOKIN
 GIRARD MEDICAL CENTER
 HAHNEMANN UNIVERSITY HOSPITAL
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 HIGHLANDS HOSPITAL
 HOLY SPIRIT HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR HOSPITAL
 JEFFERSON REGIONAL MEDICAL CENTER
 LANCASTER GENERAL HOSPITAL
 LATROBE AREA HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LOWER BUCKS HOSPITAL
 MEADVILLE MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MERCY PHILADELPHIA HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY HOSPITAL
 MOSES TAYLOR HOSPITAL
 MOUNT NITTANY MEDICAL CENTER
 OHIO VALLEY GENERAL HOSPITAL
 PENN HIGHLANDS CLEARFIELD HOSPITAL
 PENN HIGHLANDS DUBOIS
 PENN HIGHLANDS ELK
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 PINNACLE HEALTH LANCASTER REGIONAL
 MEDICAL CENTER
 POCONO HOSPITAL
 POTTSTOWN HOSPITAL
 READING HOSPITAL
 ROBERT PACKER HOSPITAL
 SACRED HEART HOSPITAL
 SAINT VINCENT HEALTH CENTER
 SCHUYLKILL MEDICAL CENTER SOUTH
 POTTSVILLE
 SHARON REGIONAL MEDICAL CENTER
 SOMERSET COMMUNITY HOSPITAL
 SPECIAL CARE HOSPITAL
 ST. CLAIR MEMORIAL HOSPITAL
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 ST. LUKE'S HOSPITAL GNADEN HUETTEN CAMPUS
 ST. LUKE'S HOSPITAL PALMERTON
 ST. LUKE'S HOSPITAL QUAKERTOWN
 SUNBURY COMMUNITY HOSPITAL
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 UPMC ALTOONA
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PRESBYTERIAN SHADYSIDE
 WARREN GENERAL HOSPITAL
 WASHINGTON HEALTH SYSTEM GREENE
 WASHINGTON HOSPITAL
 WELLSPAN EPHRATA COMMUNITY HOSPITAL
 WESTMORELAND REGIONAL HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS

YORK HOSPITAL

Drug and Alcohol Units of Inpatient Hospitals

BUTLER MEMORIAL HOSPITAL
 MEADVILLE MEDICAL CENTER
 NPHS ST JOSEPH'S HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL

Medical Rehabilitation Units of Inpatient Hospitals

ABINGTON MEMORIAL HOSPITAL
 AEMC MOSS
 ALFRED I. DUPONT INSTITUTE
 CANONSBURG GENERAL HOSPITAL
 CHAMBERSBURG HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CROZER CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL HOSPITAL
 EASTON HOSPITAL
 GEISINGER WYOMING VALLEY MEDICAL CENTER
 GOOD SAMARITAN HOSPITAL
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 INDIANA REGIONAL MEDICAL CENTER
 JEFFERSON REGIONAL MEDICAL CENTER
 LEHIGH VALLEY HOSPITAL HAZLETON
 MERCY FITZGERALD HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY HOSPITAL
 NAZARETH HOSPITAL
 OHIO VALLEY HOSPITAL
 PENN HIGHLANDS DUBOIS
 PHOENIXVILLE HOSPITAL
 PINNACLE HEALTH CARLISLE REGIONAL MEDICAL
 CENTER
 PINNACLE HEALTH HOSPITALS
 PINNACLE HEALTH LANCASTER REGIONAL
 MEDICAL CENTER
 READING HOSPITAL
 SAINT VINCENT HEALTH CENTER
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN
 STREET
 ST. LUKE'S HOSPITAL GNADEN HUETTEN CAMPUS
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC CHILDREN'S HOSPITAL OF PITTSBURGH
 UPMC EAST
 UPMC HORIZON
 UPMC JAMESON
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PASSAVANT HOSPITAL
 UPMC PINNACLE HANOVER
 UPMC PRESBYTERIAN SHADYSIDE
 UPMC ST. MARGARET
 WASHINGTON HOSPITAL
 WELLSPAN SURGERY AND REHABILITATION
 HOSPITAL
 WESTMORELAND HOSPITAL
 WILLIAMSPORT HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL

Freestanding Rehabilitation Hospitals

ALLIED SERVICES INSTITUTE OF REHABILITATION
 MEDICINE
 BRYN MAWR REHABILITATION HOSPITAL
 CHILDREN'S HOME OF PITTSBURGH
 CHILDREN'S INSTITUTE OF PITTSBURGH
 GOOD SHEPHERD REHABILITATION HOSPITAL
 HEALTHSOUTH ALTOONA
 HEALTHSOUTH ERIE
 HEALTHSOUTH HARMARVILLE
 HEALTHSOUTH MECHANICSBURG
 HEALTHSOUTH NITTANY VALLEY
 HEALTHSOUTH PENN STATE GEISENGER
 HEALTHSOUTH READING
 HEALTHSOUTH SEWICKLEY
 HEALTHSOUTH YORK
 HELEN M SIMPSON REHABILITATION HOSPITAL
 JOHN HEINZ INSTITUTE
 LANCASTER REHABILITATION HOSPITAL
 MAGEE MEMORIAL HOSPITAL
 PENN STATE HERSHEY REHABILITATION HOSPITAL

Private Psychiatric Hospitals

BELMONT BEHAVIORAL HOSPITAL
 BROOKE GLEN BEHAVIORAL HOSPITAL
 CLARION PSYCHIATRIC CENTER
 DEVEREUX CHILDREN'S BEHAVIORAL HEALTH
 CENTER
 FAIRMOUNT BEHAVIORAL HEALTH SYSTEM
 FIRST HOSPITAL WYOMING VALLEY
 FOUNDATIONS BEHAVIORAL HEALTH
 FRIENDS BEHAVIORAL HEALTH SYSTEM
 HAVEN BEHAVIORAL HOSPITAL OF EASTERN
 PENNSYLVANIA
 HAVEN BEHAVIORAL HOSPITAL OF PHILADELPHIA
 HORSHAM CLINIC
 KIDSPACE HOSPITAL
 KIRKBRIDE CENTER
 MEADOWS PSYCHIATRIC CENTER
 MONTGOMERY COUNTY EMERGENCY SERVICES
 PENNSYLVANIA PSYCHIATRIC INSTITUTE
 ROXBURY PSYCHIATRIC HOSPITAL
 SOUTHWOOD PSYCHIATRIC HOSPITAL
 WELLSPAN PHILHAVEN

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P.L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ALFRED I. DUPONT INSTITUTE
 ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ARIA HEALTH HOSPITAL
 BARNES KASSON HOSPITAL
 CHARLES COLE MEMORIAL HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CLARION HOSPITAL
 CROZER CHESTER MEDICAL CENTER
 DOYLESTOWN HOSPITAL
 EAGLEVILLE HOSPITAL
 EASTON HOSPITAL
 EVANGELICAL COMMUNITY HOSPITAL
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GUTHRIE TOWANDA MEMORIAL HOSPITAL
 HAHNEMANN UNIVERSITY HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LEHIGH VALLEY HOSPITAL HAZLETON
 LOCK HAVEN HOSPITAL
 MAIN LINE HOSPITAL LANKENAU
 MEADVILLE MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MERCY PHILADELPHIA HOSPITAL
 MILTON S. HERSHEY MEDICAL CENTER
 PENN HIGHLANDS CLEARFIELD HOSPITAL
 PENN HIGHLANDS DUBOIS
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 TITUSVILLE AREA HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC ALTOONA
 UPMC BEDFORD
 UPMC HAMOT
 UPMC JAMESON
 UPMC MAGEE WOMEN'S HOSPITAL
 UPMC MERCY
 UPMC PRESBYTERIAN SHADYSIDE
 VALLEY FORGE MEDICAL CENTER & HOSPITAL
 WAYNE MEMORIAL HOSPITAL
 WEST VIRGINIA UNIVERSITY HOSPITAL
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Public Comment

Interested persons are invited to submit written comments regarding these payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1302. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1983. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 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 does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

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) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1299. (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. 18-1984. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Determination of the Average Wholesale Price of Prescription Drugs by the Department

Under 34 Pa. Code § 127.131(b) (relating to payments for prescription drugs and pharmaceuticals—generally),

the Department of Labor and Industry, Bureau of Workers' Compensation, gives notice that it utilizes the *Red Book*, published by Truven Health Analytics, to determine the average wholesale price of prescription drugs.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 18-1985. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2018, the maximum compensation payable under sections 105.1 and 105.2 of the Workers' Compensation Act (77 P.S. §§ 25.1 and 25.2) shall be \$1,049 per week for injuries occurring on and after January 1, 2019. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2019, the percentage increase in the Statewide Average Weekly Wage is 2.3%.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 18-1986. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Unemployment Compensation; Table Specified for the Determination of Rate and Amount of Benefits

The purpose of this notice is to announce the Table Specified for the Determination of Rate and Amount of Benefits (Table) and the maximum weekly benefit rate for 2019.

The Table, in section 404(e)(1) of the Unemployment Compensation Law (law) (43 P.S. § 804(e)(1)), was amended by the act of November 3, 2016 (P.L. 1100, No. 144) (Act 144). Under sections 14 and 15 of Act 144, the amended Table was effective November 3, 2016, and applies to benefit years that begin after December 31, 2016.

As enacted, the amended Table establishes a maximum weekly benefit rate of \$561. Section 404(e)(2) of the law provides that the Table shall be extended or contracted annually to the point where the maximum weekly benefit rate for a calendar year equals 66 2/3% of the average weekly wage for the 36-month period ending on the previous June 30. However, section 404(e)(2)(iii) of the law, as amended by Act 144, contains limitations on the growth of the maximum weekly benefit rate. Section 404(e)(2)(iii) provides that the maximum weekly benefit rate for 2017 through 2019 may not exceed \$561. Therefore, the Department of Labor and Industry is not

extending the Table for 2019, and the maximum weekly benefit rate will remain at \$561.

The Table, as amended by Act 144, was published at 47 Pa.B. 362 (January 21, 2017) and is presently codified in 34 Pa. Code Chapter 65, Appendix A (relating to table specified for the determination of rate and amount of benefits). Under section 201(a) of the law (43 P.S. § 761(a)), section 404(e)(2) of the law and 34 Pa. Code § 65.111 (relating to benefit table), the Table in 34 Pa. Code Chapter 65, Appendix A is being adopted by this notice for 2019.

Questions concerning this notice should be directed to William L. Trusky, Jr., Deputy Secretary for Unemployment Compensation Programs, Department of Labor and Industry, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 18-1987. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$500 Loaded Instant Lottery Game 1378

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 \$500 Loaded (hereinafter "\$500 Loaded"). The game number is PA-1378.

2. *Price:* The price of a \$500 Loaded instant lottery game ticket is \$5.

3. *Play Symbols:* Each \$500 Loaded 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 (THIRTY). 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 (THIRTY), \$500 Burst (WIN500) symbol and a Star (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500, \$5,000, and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,000,000 tickets will be printed for the \$500 Loaded instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$500 Burst (WIN500) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that \$500 Burst (WIN500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas, a prize symbol of \$40⁰⁰ (FORTY) appears in five of the "prize" areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in eight of the "prize" areas, a prize symbol of \$40⁰⁰ (FORTY) appears in two of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the "prize" areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (WINALL) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the "prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (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.

(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 \$40⁰⁰ (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.

(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 \$20⁰⁰ (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.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (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.

(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 \$10⁰⁰ (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.

(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 \$5⁰⁰ (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.

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 15,000,000 Tickets</i> |
|--|-------------|-----------------------------------|--|
| \$5 | \$5 | 8.57 | 1,750,000 |
| \$5 × 2 | \$10 | 40 | 375,000 |
| \$10 | \$10 | 40 | 375,000 |
| \$5 × 3 | \$15 | 200 | 75,000 |

| <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 15,000,000 Tickets</i> |
|--|-------------|-----------------------------------|--|
| \$10 + \$5 | \$15 | 150 | 100,000 |
| \$15 | \$15 | 200 | 75,000 |
| \$5 × 4 | \$20 | 300 | 50,000 |
| \$10 × 2 | \$20 | 600 | 25,000 |
| \$15 + \$5 | \$20 | 300 | 50,000 |
| \$20 | \$20 | 300 | 50,000 |
| \$5 × 8 | \$40 | 600 | 25,000 |
| \$10 × 4 | \$40 | 600 | 25,000 |
| (\$15 × 2) + (\$5 × 2) | \$40 | 600 | 25,000 |
| \$40 | \$40 | 600 | 25,000 |
| \$5 × 10 | \$50 | 600 | 25,000 |
| \$10 × 5 | \$50 | 600 | 25,000 |
| (\$20 × 2) + (\$5 × 2) | \$50 | 600 | 25,000 |
| \$50 | \$50 | 600 | 25,000 |
| STAR w/ ((\$10 × 8) + (\$5 × 4)) | \$100 | 12,000 | 1,250 |
| STAR w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8)) | \$100 | 12,000 | 1,250 |
| \$20 × 5 | \$100 | 12,000 | 1,250 |
| \$50 × 2 | \$100 | 12,000 | 1,250 |
| \$100 | \$100 | 12,000 | 1,250 |
| STAR w/ ((\$50 × 8) + (\$40 × 2) + (\$10 × 2)) | \$500 | 2,000 | 7,500 |
| STAR w/ ((\$100 × 2) + (\$40 × 5) + (\$20 × 5)) | \$500 | 2,000 | 7,500 |
| \$50 × 10 | \$500 | 12,000 | 1,250 |
| (\$50 × 6) + (\$40 × 4) + (\$20 × 2) | \$500 | 12,000 | 1,250 |
| \$500 w/ \$500 BURST | \$500 | 800 | 18,750 |
| \$500 | \$500 | 6,000 | 2,500 |
| (\$500 w/ \$500 BURST) × 10 | \$5,000 | 1,500,000 | 10 |
| \$5,000 | \$5,000 | 1,500,000 | 10 |
| \$100,000 | \$100,000 | 1,500,000 | 10 |

Reveal a “\$500 BURST” (WIN500) symbol, win \$500 instantly.

Reveal a “STAR” (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 Game for retailers who sell \$500 Loaded instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

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 \$500 Loaded, prize money from winning \$500 Loaded 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 \$500 Loaded 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 \$500 Loaded or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1988. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$1,000,000 Cash Club Instant Lottery Game 1377

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 \$1,000,000 Cash Club (hereinafter “\$1,000,000 Cash Club”). The game number is PA-1377.

2. *Price:* The price of a \$1,000,000 Cash Club instant lottery game ticket is \$20.

3. *Play Symbols:* Each \$1,000,000 Cash Club instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, a “5X CASH” area and two “BONUS” areas. The “BONUS” areas are played separately. The play symbols and their captions located in the “WINNING NUMBERS” area and the “5X CASH” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 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 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 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 (FORTY), \$\$\$ Burst (WINPRZ) symbol and a CLUB (WINALL) symbol. The play symbols and their captions located in the “BONUS” areas are: Stack of Coins (TRY AGAIN) symbol, Padlock (NO BONUS) symbol, Safe (TRY AGAIN) symbol, Gold Bar (NO BONUS) symbol, Crown (TRY AGAIN) symbol and a STACK OF CASH (CASH) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL). The prize symbols and their captions located in the “BONUS” areas are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in the “BONUS” areas are: \$20, \$30, \$50, \$100, \$200 and \$500. A player can win up to 22 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the \$1,000,000 Cash Club 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 \$1MILL (ONE MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(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 \$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.

(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 \$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.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CLUB (WINALL) symbol, and a prize symbol of \$500 (FIV HUN) appears in all twenty “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CLUB (WINALL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in four of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in six of the “prize” areas, and a prize symbol of \$200 (TWO HUN) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$9,000.

(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 \$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.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$1,000 (ONE

THO) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “5X CASH” 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 \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CLUB (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in five of the “prize” areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CLUB (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in all twenty “prize” areas, 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 CLUB (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the “prize” areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$900.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “5X CASH” play symbol, 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 \$500.

(p) Holders of tickets upon which a STACK OF CASH (CASH) symbol appears in either of the “BONUS” areas, 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 is a CLUB (WINALL) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CLUB (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all twenty “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(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 \$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.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which a STACK OF CASH (CASH) symbol appears in either of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$200.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “5X CASH” play symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play 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 any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “5X CASH” play symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which a STACK OF CASH (CASH) symbol appears in either of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$100.

(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 \$50⁰⁰ (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.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which a STACK OF CASH (CASH) symbol appears in either of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$50.

(dd) 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 \$30⁰⁰ (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.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$30⁰⁰ (THIRTY)

appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$30.

(ff) Holders of tickets upon which a STACK OF CASH (CASH) symbol appears in either of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$30.

(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 \$20⁰⁰ (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.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ Burst (WINPRZ) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that \$\$\$ Burst (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ii) Holders of tickets upon which a STACK OF CASH (CASH) symbol appears in either of the “BONUS” areas, on a single ticket, shall be entitled to a prize of \$20.

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>Bonus Areas:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 5,400,000 Tickets</i> |
|--|---|-------------|-----------------------------------|---|
| | \$20 w/ STACK OF CASH | \$20 | 30 | 180,000 |
| \$20 w/ \$\$\$ BURST | | \$20 | 14.29 | 378,000 |
| \$20 | | \$20 | 60 | 90,000 |
| | \$30 w/ STACK OF CASH | \$30 | 150 | 36,000 |
| \$30 w/ \$\$\$ BURST | | \$30 | 42.86 | 126,000 |
| \$30 | | \$30 | 150 | 36,000 |
| \$30 + \$20 | | \$50 | 150 | 36,000 |
| \$20 | \$30 w/ STACK OF CASH | \$50 | 75 | 72,000 |
| | (\$30 w/ STACK OF CASH) + (\$20 w/ STACK OF CASH) | \$50 | 75 | 72,000 |
| | \$50 w/ STACK OF CASH | \$50 | 75 | 72,000 |
| \$50 w/ \$\$\$ BURST | | \$50 | 37.50 | 144,000 |
| \$50 | | \$50 | 300 | 18,000 |
| \$50 × 2 | | \$100 | 300 | 18,000 |
| (((\$20 w/ \$\$\$ BURST) × 2) + (\$30 × 2)) | | \$100 | 300 | 18,000 |
| (\$50 w/ \$\$\$ BURST) × 2 | | \$100 | 300 | 18,000 |
| (\$30 w/ \$\$\$ BURST) + \$20 | \$50 w/ STACK OF CASH | \$100 | 300 | 18,000 |
| \$50 w/ \$\$\$ BURST | \$50 w/ STACK OF CASH | \$100 | 300 | 18,000 |
| | (\$50 w/ STACK OF CASH) × 2 | \$100 | 300 | 18,000 |
| | \$100 w/ STACK OF CASH | \$100 | 300 | 18,000 |
| \$20 w/ 5X CASH | | \$100 | 300 | 18,000 |
| \$100 w/ \$\$\$ BURST | | \$100 | 100 | 54,000 |
| \$100 | | \$100 | 300 | 18,000 |
| \$20 × 10 | | \$200 | 1,333.33 | 4,050 |
| \$50 × 4 | | \$200 | 2,400 | 2,250 |
| (\$100 w/ \$\$\$ BURST) × 2 | | \$200 | 1,200 | 4,500 |
| \$100 w/ \$\$\$ BURST | \$100 w/ STACK OF CASH | \$200 | 1,200 | 4,500 |
| \$30 w/ 5X CASH | \$50 w/ STACK OF CASH | \$200 | 1,200 | 4,500 |
| | \$200 w/ STACK OF CASH | \$200 | 2,400 | 2,250 |
| \$200 w/ \$\$\$ BURST | | \$200 | 1,200 | 4,500 |
| \$200 | | \$200 | 2,400 | 2,250 |
| CLUB w/ ((\$30 × 10) + (\$20 × 10)) | | \$500 | 1,200 | 4,500 |
| CLUB w/ (\$20 × 20) | (\$50 w/ STACK OF CASH) × 2 | \$500 | 1,200 | 4,500 |

| <i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>Bonus Areas:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 5,400,000 Tickets</i> |
|--|---|-------------|-----------------------------------|---|
| \$100 × 5 | | \$500 | 24,000 | 225 |
| \$50 × 5 | (\$200 w/ STACK OF CASH) + (\$50 w/ STACK OF CASH) | \$500 | 24,000 | 225 |
| (\$50 w/ \$\$\$ BURST) × 4 | (\$200 w/ STACK OF CASH) + (\$100 w/ STACK OF CASH) | \$500 | 12,000 | 450 |
| \$100 w/ \$\$\$ BURST | (\$200 w/ STACK OF CASH) × 2 | \$500 | 24,000 | 225 |
| | \$500 w/ STACK OF CASH | \$500 | 12,000 | 450 |
| \$100 w/ 5X CASH | | \$500 | 12,000 | 450 |
| \$500 w/ \$\$\$ BURST | | \$500 | 6,000 | 900 |
| \$500 | | \$500 | 24,000 | 225 |
| CLUB w/ (\$50 × 20) | | \$1,000 | 12,000 | 450 |
| CLUB w/ ((\$100 × 5) + (\$50 × 5) + (\$30 × 5) + (\$20 × 5)) | | \$1,000 | 12,000 | 450 |
| CLUB w/ ((\$100 × 4) + (\$50 × 6) + (\$20 × 10)) | (\$50 w/ STACK OF CASH) × 2 | \$1,000 | 8,000 | 675 |
| \$100 × 10 | | \$1,000 | 120,000 | 45 |
| \$200 × 5 | | \$1,000 | 120,000 | 45 |
| \$100 × 6 | (\$200 w/ STACK OF CASH) × 2 | \$1,000 | 60,000 | 90 |
| \$200 × 3 | (\$200 w/ STACK OF CASH) × 2 | \$1,000 | 60,000 | 90 |
| | (\$500 w/ STACK OF CASH) × 2 | \$1,000 | 60,000 | 90 |
| \$200 w/ 5X CASH | | \$1,000 | 60,000 | 90 |
| \$1,000 w/ \$\$\$ BURST | | \$1,000 | 60,000 | 90 |
| \$1,000 | | \$1,000 | 120,000 | 45 |
| CLUB w/ (\$500 × 20) | | \$10,000 | 1,080,000 | 5 |
| CLUB w/ ((\$1,000 × 4) + (\$500 × 6) + (\$200 × 10)) | (\$500 w/ STACK OF CASH) × 2 | \$10,000 | 1,080,000 | 5 |
| \$500 × 20 | | \$10,000 | 1,080,000 | 5 |
| (\$1,000 × 8) + (\$200 × 9) | (\$100 w/ STACK OF CASH) × 2 | \$10,000 | 1,080,000 | 5 |
| (\$1,000 w/ 5X CASH) + ((\$500 w/ 5X CASH) × 2) | | \$10,000 | 1,080,000 | 5 |
| \$10,000 w/ \$\$\$ BURST | | \$10,000 | 1,080,000 | 5 |
| \$10,000 | | \$10,000 | 1,080,000 | 5 |
| \$100,000 | | \$100,000 | 1,080,000 | 5 |
| \$1,000,000 | | \$1,000,000 | 1,080,000 | 5 |

Reveal a “\$\$\$ BURST” (WINPRZ) symbol, win prize shown under that symbol automatically.

Reveal a “CLUB” (WINALL) symbol, win all 20 prizes shown!

5X CASH: When the 5X CASH number matches any YOUR NUMBER, win 5 times the prize shown under the matching number.

BONUS: Reveal a “STACK OF CASH” (CASH) symbol in either BONUS area, win prize shown under that symbol. BONUS areas are 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 \$1,000,000 Cash Club instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a

Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not

exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$1,000,000 Cash Club, prize money from winning \$1,000,000 Cash Club 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 \$1,000,000 Cash Club 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 \$1,000,000 Cash Club or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1989. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cupid's Cash Instant Lottery Game 1381

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 Cupid's Cash (hereinafter "Cupid's Cash"). The game number is PA-1381.

2. *Price:* The price of a Cupid's Cash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Cupid's Cash instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play 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), Heart (HEART) symbol, XO (DOUBLE) symbol and a Cupid (WIN20) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$250, \$500, \$1,000 and \$10,000. The player can win up to 12 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Cupid's Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$10,000 (TEN THO) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$500 (FIV HUN) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$30⁰⁰ (THIRTY) in the "Prize" area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a Cupid (WIN20) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) in the “Prize” area under that Cupid (WIN20) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) in the “Prize” area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$15⁰⁰ (FIFTEEN) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “Prize” area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$4⁰⁰ (FOR DOL) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets with an XO (DOUBLE) symbol in the play area, and a prize symbol of \$2⁰⁰ (TWO DOL) in the “Prize” area under that XO (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$3⁰⁰ (THR DOL) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$3.

(v) Holders of tickets with a Heart (HEART) symbol in the play area, and a prize symbol of \$2⁰⁰ (TWO DOL) in the “Prize” area under that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$2.

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>Reveal A “Heart” (HEART) Symbol,
Win Prize Shown Under That Symbol.
Win With:</i> | <i>Win:</i> | <i>Approximate
Odds Are 1 In:</i> | <i>Approximate No.
Of Winners Per
5,400,000 Tickets</i> |
|--|-------------|---------------------------------------|---|
| \$2 | \$2 | 9.68 | 558,000 |
| \$3 | \$3 | 50 | 108,000 |
| \$2 w/ XO SYMBOL | \$4 | 50 | 108,000 |
| \$4 | \$4 | 150 | 36,000 |
| \$3 + \$2 | \$5 | 75 | 72,000 |
| \$5 | \$5 | 75 | 72,000 |
| \$2 × 5 | \$10 | 300 | 18,000 |
| (\$4 w/ XO SYMBOL) + \$2 | \$10 | 166.67 | 32,400 |
| \$5 w/ XO SYMBOL | \$10 | 150 | 36,000 |
| \$10 | \$10 | 300 | 18,000 |
| \$3 × 5 | \$15 | 1,500 | 3,600 |
| ((\$3 w/ XO SYMBOL) × 2) + \$3 | \$15 | 750 | 7,200 |
| (\$5 w/ XO SYMBOL) + \$5 | \$15 | 750 | 7,200 |
| \$15 | \$15 | 1,500 | 3,600 |
| \$2 × 10 | \$20 | 1,500 | 3,600 |
| (\$5 w/ XO SYMBOL) × 2 | \$20 | 750 | 7,200 |
| \$10 w/ XO SYMBOL | \$20 | 750 | 7,200 |
| \$20 w/ CUPID | \$20 | 88.24 | 61,200 |
| \$20 | \$20 | 1,500 | 3,600 |
| \$5 × 6 | \$30 | 6,000 | 900 |
| (\$20 w/ CUPID) + (\$5 w/ XO SYMBOL) | \$30 | 800 | 6,750 |
| \$15 w/ XO SYMBOL | \$30 | 6,000 | 900 |
| \$30 | \$30 | 6,000 | 900 |
| \$5 × 10 | \$50 | 6,000 | 900 |
| ((\$10 w/ XO SYMBOL) × 2) + (\$5 w/ XO SYMBOL) | \$50 | 6,000 | 900 |
| ((\$20 w/ CUPID) × 2) + (\$5 w/ XO SYMBOL) | \$50 | 1,200 | 4,500 |

| <i>Reveal A "Heart" (HEART) Symbol,
Win Prize Shown Under That Symbol.
Win With:</i> | <i>Win:</i> | <i>Approximate
Odds Are 1 In:</i> | <i>Approximate No.
Of Winners Per
5,400,000 Tickets</i> |
|--|-------------|---------------------------------------|---|
| \$50 | \$50 | 6,000 | 900 |
| \$10 × 10 | \$100 | 12,000 | 450 |
| (\$10 × 8) + (\$5 × 4) | \$100 | 12,000 | 450 |
| (\$20 w/ CUPID) × 5 | \$100 | 2,400 | 2,250 |
| \$50 w/ XO SYMBOL | \$100 | 12,000 | 450 |
| \$100 | \$100 | 12,000 | 450 |
| \$50 × 5 | \$250 | 120,000 | 45 |
| (((\$20 w/ CUPID) × 10) + \$30 + \$20 | \$250 | 120,000 | 45 |
| (((\$20 w CUPID) × 5) + ((\$10 w/ XO SYMBOL) × 5) + 30 + \$20 | \$250 | 120,000 | 45 |
| \$250 | \$250 | 120,000 | 45 |
| \$100 × 5 | \$500 | 540,000 | 10 |
| (((\$100 w/ XO SYMBOL) × 2) + ((\$20 w/ CUPID) × 5) | \$500 | 36,000 | 150 |
| \$250 w/ XO SYMBOL | \$500 | 540,000 | 10 |
| \$500 | \$500 | 540,000 | 10 |
| \$100 × 10 | \$1,000 | 540,000 | 10 |
| \$500 w/ XO SYMBOL | \$1,000 | 90,000 | 60 |
| \$1,000 | \$1,000 | 540,000 | 10 |
| \$10,000 | \$10,000 | 540,000 | 10 |

Reveal an "XO" (DOUBLE) symbol, win double the prize shown under that symbol.

Reveal a "CUPID" (WIN20) symbol, win \$20 instantly!

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 Cupid's Cash instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Cupid's Cash, prize money from winning Cupid's Cash 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 Cupid's Cash 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 Cupid's Cash or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1990. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Love to Win Instant Lottery Game 1379

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 Love to Win (hereinafter "Love to Win"). The game number is PA-1379.

2. *Price:* The price of a Love to Win instant lottery game ticket is \$5.

3. *Play Symbols:* Each Love to Win 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 (TWININ) and 30 (THIRTY). 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 (TWININ), 30 (THIRTY), Hearts (HEARTS) symbol and a WIN (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$50, \$75, \$100, \$200, \$400, \$1,000, \$5,000 and \$50,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Love to Win 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 \$50,000 (FTY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(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 any one of the "YOUR NUMBERS" play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Hearts (HEARTS) 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 WIN (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 five of the "prize" areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five 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 \$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.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WINALL) symbol, and a prize symbol of \$10⁰⁰ (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 \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(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 \$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.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WINALL) symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, and a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the "prize" areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(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 \$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.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WINALL) symbol, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10.⁰⁰ (TEN DOL) appears in two of the “prize” areas, and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WINALL) symbol, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(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 \$75.⁰⁰ (SVY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$75.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in the “prize” area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$75.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WINALL) symbol, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in three of the “prize” areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in nine of the “prize” areas, on a single ticket, shall be entitled to a prize of \$75.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.⁰⁰ (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.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$50.⁰⁰ (FIFTY) appears in

the “prize” area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) 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 \$25.⁰⁰ (TWY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$25.⁰⁰ (TWY FIV) appears in the “prize” area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) 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 \$20.⁰⁰ (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.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$20.

(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 \$10.⁰⁰ (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.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Hearts (HEARTS) symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) 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 \$5.⁰⁰ (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.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hearts (HEARTS) symbol, and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that Hearts (HEARTS) 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 5,400,000 Tickets</i> |
|--|-------------|-----------------------------------|---|
| \$5 w/ HEARTS | \$5 | 17.14 | 315,000 |
| \$5 | \$5 | 20 | 270,000 |
| \$5 × 2 | \$10 | 300 | 18,000 |
| (\$5 w/ HEARTS) + \$5 | \$10 | 300 | 18,000 |
| (\$5 w/ HEARTS) × 2 | \$10 | 60 | 90,000 |
| \$10 w/ HEARTS | \$10 | 60 | 90,000 |

| <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 5,400,000 Tickets</i> |
|--|-------------|-----------------------------------|---|
| \$10 | \$10 | 60 | 90,000 |
| \$5 × 4 | \$20 | 300 | 18,000 |
| \$10 × 2 | \$20 | 300 | 18,000 |
| (\$10 w/ HEARTS) × 2 | \$20 | 100 | 54,000 |
| \$20 w/ HEARTS | \$20 | 100 | 54,000 |
| \$20 | \$20 | 300 | 18,000 |
| \$5 × 5 | \$25 | 600 | 9,000 |
| (\$10 × 2) + \$5 | \$25 | 600 | 9,000 |
| (((\$10 w/ HEARTS) × 2) + \$5 | \$25 | 300 | 18,000 |
| (\$20 w/ HEARTS) + (\$5 w/ HEARTS) | \$25 | 150 | 36,000 |
| \$25 w/ HEARTS | \$25 | 150 | 36,000 |
| \$25 | \$25 | 600 | 9,000 |
| \$5 × 10 | \$50 | 600 | 9,000 |
| (((\$10 w/ HEARTS) × 4) + (\$5 × 2) | \$50 | 300 | 18,000 |
| (((\$20 w/ HEARTS) × 2) + \$10 | \$50 | 600 | 9,000 |
| \$50 w/ HEARTS | \$50 | 600 | 9,000 |
| \$50 | \$50 | 600 | 9,000 |
| WIN w/ ((\$10 × 3) + (\$5 × 9)) | \$75 | 400 | 13,500 |
| \$25 × 3 | \$75 | 4,000 | 1,350 |
| (\$25 × 2) + (\$5 × 5) | \$75 | 4,000 | 1,350 |
| (\$25 w/ HEARTS) + (\$20 w/ HEARTS) + (\$5 × 6) | \$75 | 4,000 | 1,350 |
| \$75 w/ HEARTS | \$75 | 4,000 | 1,350 |
| \$75 | \$75 | 4,000 | 1,350 |
| WIN w/ ((\$10 × 8) + (\$5 × 4)) | \$100 | 2,400 | 2,250 |
| WIN w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8)) | \$100 | 2,400 | 2,250 |
| \$10 × 10 | \$100 | 3,000 | 1,800 |
| \$50 × 2 | \$100 | 3,000 | 1,800 |
| (((\$25 w/ HEARTS) × 2) + ((\$10 w/ HEARTS) × 5) | \$100 | 3,000 | 1,800 |
| \$100 w/ HEARTS | \$100 | 3,000 | 1,800 |
| \$100 | \$100 | 3,000 | 1,800 |
| WIN w/ ((\$50 × 2) + (\$10 × 10)) | \$200 | 5,000 | 1,080 |
| WIN w/ ((\$5 × 10) + \$100 + \$50) | \$200 | 5,000 | 1,080 |
| \$20 × 10 | \$200 | 60,000 | 90 |
| \$50 × 4 | \$200 | 30,000 | 180 |
| (((\$20 w/ HEARTS) × 8) + ((\$10 w/ HEARTS) × 4) | \$200 | 30,000 | 180 |
| (\$100 w/ HEARTS) × 2 | \$200 | 30,000 | 180 |
| \$200 w/ HEARTS | \$200 | 60,000 | 90 |
| \$200 | \$200 | 60,000 | 90 |
| WIN w/ ((\$100 × 2) + (\$20 × 10)) | \$400 | 60,000 | 90 |
| WIN w/ ((\$10 × 10) + \$200 + \$100) | \$400 | 60,000 | 90 |
| \$100 × 4 | \$400 | 60,000 | 90 |
| (((\$50 w/ HEARTS) × 4) + ((\$25 w/ HEARTS) × 8) | \$400 | 60,000 | 90 |
| \$400 w/ HEARTS | \$400 | 60,000 | 90 |
| \$400 | \$400 | 60,000 | 90 |
| WIN w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5)) | \$1,000 | 540,000 | 10 |

| <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 5,400,000 Tickets</i> |
|--|-------------|-----------------------------------|---|
| \$100 × 10 | \$1,000 | 540,000 | 10 |
| \$1,000 w/ HEARTS | \$1,000 | 540,000 | 10 |
| \$1,000 | \$1,000 | 540,000 | 10 |
| \$5,000 w/ HEARTS | \$5,000 | 540,000 | 10 |
| \$5,000 | \$5,000 | 540,000 | 10 |
| \$50,000 | \$50,000 | 540,000 | 10 |

Reveal a "HEARTS" (HEARTS) symbol, win prize shown under that symbol automatically.

Reveal a "WIN" (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 Love to Win instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Love to Win, prize money from winning Love to Win 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 Love to Win 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 Love to Win or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1991. Filed for public inspection December 21, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Royal Riches Instant Lottery Game 1380

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 Royal Riches (hereinafter "Royal Riches"). The game number is PA-1380.

2. *Price:* The price of a Royal Riches instant lottery game ticket is \$3.

3. *Play Symbols:* Each Royal Riches instant lottery game ticket will contain two "play grid" areas and a "WINNING SYMBOLS" area. Each "play grid" area consists of 16 spaces on a grid four vertical "LINES" wide and four horizontal "LINES" tall. The four vertical "LINES" on the first "play grid" are designated as "LINE 1," "LINE 2," "LINE 3" and "LINE 4." The four horizontal "LINES" on the first "play grid" are designated as "LINE 5," "LINE 6," "LINE 7" and "LINE 8." The four vertical "LINES" on the second "play grid" are designated as "LINE 9," "LINE 10," "LINE 11" and "LINE 12." The four horizontal "LINES" on the second "play grid" are designated as "LINE 13," "LINE 14," "LINE 15" and "LINE 16." Each "LINE" offers a separate chance to win. The play symbols and their captions located in the two "play grid" areas and the "WINNING SYMBOLS" area are: Coins (COINS) symbol, Dollar Sign (DLRSN) symbol, Diamond (DIAMND) symbol, Topaz (TOPAZ) symbol, Safe (SAFE) symbol, Ring (RING) symbol, Moneybag (MNYBAG) symbol, Earring (EARRNG) symbol, Sapphire (SAPPHR) symbol, Candle (CANDLE) symbol, Chest (CHEST) symbol, Emerald (EMERLD) symbol, Necklace (NCKLAC) symbol, Card (CARD) symbol, Silver Coin (SILVER) symbol, Check (CHECK) symbol, Key (KEY) symbol, Briefcase (BRCASE) symbol, Crown (CROWN) symbol, Star (STAR) symbol, Coat (COAT) symbol, Money

Roll (MNYRLL) symbol, Castle (CASTLE) symbol, Cash (CASH) symbol, Ruby (RUBY) symbol, Wallet (WALLET) symbol, Purse (PURSE) symbol, Gold Bar (GOLD) symbol, Knight (KNIGHT) symbol, Rainbow (RNBOW) symbol, Lock (LOCK) symbol and a Pot of Gold (PTGOLD) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area at the end of each "LINE" are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FIFTN), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$15, \$30, \$50, \$100, \$150, \$300, \$1,000, \$3,000 and \$50,000. The player can win up to 6 times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Royal Riches instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$3,000 (THR THO) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$300 (THR HUN) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or

horizontal "LINE," and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$150.

(f) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$15.⁰⁰ (FIFTN) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which four of the "WINNING SYMBOLS" play symbols match the same exact four play symbols appearing in a complete vertical or horizontal "LINE," and a prize symbol of \$3.⁰⁰ (THR DOL) appears in the "Prize" area at the end of that "LINE," on a single ticket, shall be entitled to a prize of \$3.

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>Scratch The Winning Symbols Area. Then Scratch The Corresponding Symbols Found On Either Grid. When You Match All Four Symbols In Any Horizontal Or Vertical Line, Win Prize Shown For That Line.</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 10,800,000 Tickets</i> |
|--|-------------|-----------------------------------|--|
| <i>Win With:</i> | | | |
| \$3 | \$3 | 9.09 | 1,188,000 |
| \$5 | \$5 | 14.29 | 756,000 |
| \$5 × 2 | \$10 | 62.50 | 172,800 |

| <i>Scratch The Winning Symbols Area. Then Scratch The Corresponding Symbols Found On Either Grid. When You Match All Four Symbols In Any Horizontal Or Vertical Line, Win Prize Shown For That Line.
Win With:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 10,800,000 Tickets</i> |
|--|-------------|-----------------------------------|--|
| \$10 | \$10 | 100 | 108,000 |
| \$3 × 5 | \$15 | 250 | 43,200 |
| \$5 × 3 | \$15 | 1,000 | 10,800 |
| \$15 | \$15 | 1,000 | 10,800 |
| \$5 × 6 | \$30 | 500 | 21,600 |
| \$15 × 2 | \$30 | 1,000 | 10,800 |
| (\$5 × 4) + \$10 | \$30 | 166.67 | 64,800 |
| \$30 | \$30 | 1,000 | 10,800 |
| \$10 × 5 | \$50 | 1,000 | 10,800 |
| (\$15 × 2) + (\$5 × 4) | \$50 | 1,000 | 10,800 |
| (\$15 × 3) + \$5 | \$50 | 1,000 | 10,800 |
| \$50 | \$50 | 1,000 | 10,800 |
| \$50 × 2 | \$100 | 3,000 | 3,600 |
| (\$10 × 5) + \$50 | \$100 | 1,200 | 9,000 |
| (\$30 × 2) + (\$10 × 4) | \$100 | 1,412 | 7,650 |
| \$100 | \$100 | 3,000 | 3,600 |
| \$30 × 5 | \$150 | 8,000 | 1,350 |
| \$50 × 3 | \$150 | 12,000 | 900 |
| (\$10 × 2) + \$100 + \$30 | \$150 | 12,000 | 900 |
| (\$30 × 3) + \$50 + \$10 | \$150 | 8,000 | 1,350 |
| (\$50 × 2) + (\$15 × 2) + (\$10 × 2) | \$150 | 8,000 | 1,350 |
| \$150 | \$150 | 12,000 | 900 |
| \$50 × 6 | \$300 | 13,333 | 810 |
| \$100 × 3 | \$300 | 60,000 | 180 |
| (\$50 × 3) + (\$30 × 5) | \$300 | 13,333 | 810 |
| (\$100 × 2) + (\$50 × 2) | \$300 | 40,000 | 270 |
| \$300 | \$300 | 60,000 | 180 |
| (\$300 × 3) + \$100 | \$1,000 | 120,000 | 90 |
| (\$150 × 4) + \$300 + \$100 | \$1,000 | 120,000 | 90 |
| \$1,000 | \$1,000 | 120,000 | 90 |
| \$3,000 | \$3,000 | 1,080,000 | 10 |
| \$50,000 | \$50,000 | 1,080,000 | 10 |

Each line is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Royal Riches instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Royal Riches, prize money from winning Royal Riches 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 Royal Riches 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 Royal Riches or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1992. Filed for public inspection December 21, 2018, 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 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 <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 such effects.

• **SR 1016, Section 570—New Milford Borough, Susquehanna County.**

Project Description: The proposed project is the replacement of the existing bridge, which carries SR 1016, Section 570 (Montrose Street) over Norfolk Southern Railroad. The new structure will have increased vertical clearance and will be replaced on existing alignment.

Environmental Documents: CE 2 Reevaluation approved on July 6, 2018, and a Final Individual Section 4(f) Evaluation approved March 15, 2012.

Proposed Use of Section 4(f)/2002 Resource: The Delaware, Lackawanna and Western Railroad's Nicholson Cutoff were determined to be eligible for listing on the National Register of Historic Places (NRHP). The existing bridge is considered a contributing resource.

• **SR 9900, Section BR—Middlesex Township, Cumberland County.**

Project Description: The proposed project is a bridge replacement of the existing Wolf Bridge, SR 9900, Section BR, carrying Wolf Bridge Road over Conodoguinet Creek.

Environmental Documents: CE 2 Evaluation approved on August 6, 2018, a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitates the Use of Historic Bridges approved on March 18, 2018, 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 July 30, 2018.

Proposed Use of Section 4(f)/2002 Resources: Wolf Bridge was determined to be eligible for listing on the NRHP. The new structure will require approximately 0.035 acre of right-of-way (ROW) from the 485-acre Fish and Boat Commission designated Conodoguinet Creek Water Trail, which qualifies as a Section 4(f)/2002 resource.

• **SR 0472, Section 006—Quarryville Borough, Lancaster County.**

Project Description: The proposed project is the replacement of the existing bridge, carrying SR 0472, Section 006 (South Lime Street) over a tributary to the South Fork of Beaver Creek.

Environmental Documents: ED BRPA Evaluation approved on September 28, 2018, 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 September 18, 2018.

Proposed Use of Section 4(f)/2002 Resources: The project will require approximately 0.071 acre of ROW from the 7.7-acre Quarryville Elementary School, Riparian Buffer Corridor, which qualifies as a Section 4(f)/2002 resource.

• **SR 1015, Section 02B—South Woodbury Township, Bedford County.**

Project Description: The proposed project is the replacement of the existing Replogle School Bridge that carries SR 1015, Section 02B over a tributary to Three Springs Run.

Environmental Documents: ED 2 Evaluation approved on August 14, 2018, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on July 19, 2018.

Proposed Use of Section 4(f)/2002 Resources: The existing Replogle School Bridge is a contributing resource to the South Morrison's Cove Rural Historic District, which was determined to be eligible for listing on the NRHP.

• **SR 4017, Section A07—Shaler Township, Allegheny County.**

Project Description: This project involves replacing the existing bridge carrying SR 4017, Section A07 over Little Pine Creek. The project also includes updating guiderail, approach work and drainage improvements.

Environmental Documents: ED 1a Evaluation approved on July 11, 2018, 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 June 15, 2018.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.002 acre of ROW are required from the 0.46-acre Eagle Canyon Trail, which qualifies as a Section 4(f)/2002 resource.

• **SR 0000, Section 001—Jim Thorpe Borough, Carbon County.**

Project Description: The project proposes a pedestrian bridge over the Lehigh Valley River to link the Delaware and Lehigh Trail to the Delaware and Lehigh Towpath Trail.

Environmental Documents: CE 2 Reevaluation approved on July 17, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 22, 2015.

Proposed Use of Section 4(f)/2002 Resources: The project will require approximately 0.06 acre of ROW from the Central Railroad of New Jersey/Lehigh and Susquehanna Railroad, and approximately 0.22 acre of ROW from the Lehigh Canal. The Central Railroad of New Jersey/Lehigh and Susquehanna Railroad was determined to be eligible for listing on the NRHP, and the Lehigh Canal is listed on the NRHP.

• **SR 0322, Section B00—West Fallowfield Township, Crawford County.**

Project Description: The project includes the replacement of the existing bridge carrying SR 0322, Section B00 over the Crooked Creek Tributary. The project also includes guide rail, roadway and drainage updates.

Environmental Documents: CE BRPA Evaluation approved on September 18, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on September 18, 2018.

Proposed Use of Section 4(f)/2002 Resource: The 44-acre William Henry House was determined to be eligible for listing on the NRHP. Approximately 0.093 acre of ROW will be required from the resource.

• **SR 1006, Section 005—Greene Township, Franklin County.**

Project Description: The project proposes to resurface/reconstruct SR 1006, section 005 and includes new sidewalk, pedestrian railing and supporting slopes along Elevator Street.

Environmental Documents: CE 1b Evaluation approved on August 22, 2018, 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 July 23, 2018.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.076 acre of ROW are required from the 65.3-acre Greene Township Municipal Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 0562, Section 02B—Exeter Township, Berks County.**

Project Description: The proposed project is the replacement of the existing structure carrying SR 0562, Section 02B (Boyertown Pike) over Monocacy Creek.

Environmental Documents: CE BRPA Evaluation approved on September 5, 2018, and a Determination of

Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on September 4, 2018.

Proposed Use of Section 4(f)/2002 Resource: The Limekiln Valley Rural Historic District was determined to be eligible for listing on the NRHP. Approximately 0.044 acre of ROW will be required from the resource.

• **SR 7023, Section 237—Folcroft Borough, Delaware County.**

Project Description: The proposed project is a bridge replacement for the existing structure that carries SR 7023, Section 237 (Tribbett Avenue) over Hermesprota Creek.

Environmental Documents: CE 1b Reevaluation approved on August 14, 2018, 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 August 15, 2013.

Proposed Use of Section 4(f)/2002 Resource: The project will require approximately 0.70 acre of ROW from the 5.43-acre Darby Township playground owned by the Redevelopment Authority of Delaware County, which qualifies as a Section 4(f)/2002 resource.

• **SR 2007, Section A02—Gregg Township, Centre County.**

Project Description: The project involves the replacement of the existing structures carrying SR 2007, Section A02 over an unnamed tributary to Penns Creek. The project includes roadway approach work, drainage improvements and guide rail updates.

Environmental Documents: CE BRPA Evaluation approved on August 20, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 17, 2018.

Proposed Use of Section 4(f)/2002 Resource: The Penns Valley Brush Valley Rural Historic District was determined to be eligible for listing on the NRHP. Approximately 0.571 acre of ROW will be required from the resource.

• **SR 7207, Section 000—Gregg Township, Centre County.**

Project Description: The proposed project is a replacement of the existing bridge that carries T419 (Lower Georges Valley Road) over Muddy Creek. Work will also include new approach pavement, guide rail and signage.

Environmental Documents: CE BRPA Evaluation approved on July 31, 2018, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 26, 2018.

Proposed Use of Section 4(f)/2002 Resources: The Penns Valley Brush Valley Rural Historic District was determined to be eligible for listing on the NRHP. Approximately 0.104 acre of ROW will be required from the resource.

• **SR 0030, Section 116—Saint Thomas Township, Franklin County.**

Project Description: The proposed project is a replacement of the existing bridge that carries SR 0030, Section 116 (Lincoln Highway) over a branch of Campbell Run. Minor drainage improvements and guide rail updates will also occur.

Environmental Documents: CE BRPA Evaluation approved on September 25, 2018, and a Determination of

Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 30, 2018.

Proposed Use of Section 4(f)/2002 Resources: The John Reynolds Campbell Homestead Property was determined to be eligible for listing on the NRHP. Approximately 0.226 acre of ROW will be required from the property.

• **SR 4010, Section J10—Franklin Township, Fayette County.**

Project Description: The proposed project is the replacement of the existing bridge that carries SR 4010, Section J10 over Bute Run. Minor roadway approach work and drainage work will occur as well.

Environmental Documents: ED 2 Evaluation approved on July 3, 2018, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on June 25, 2018.

Proposed Use of Section 4(f)/2002 Resources: The existing structure was determined to be eligible for listing on the NRHP.

• **SR 4025, Section DFP—Cold Spring Township, Lebanon County.**

Project Description: This project involves replacing the existing corrugated metal pipe culvert that carries SR 4025, Section DFP (Gold Mine Road) over Evening Branch. The new structure will be a precast concrete box culvert.

Environmental Documents: ED BRPA Evaluation approved on July 10, 2018, 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 April 16, 2018.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.154 acre of ROW are required from the 44.343-acre State Game Lands No. 211, which qualifies as a Section 4(f)/2002 resource.

• **SR 2005, Section 02B—North Woodbury Township, Blair County.**

Project Description: The project proposes to replace the existing bridge carrying SR 2005, Section 02B over Middletown Run.

Environmental Documents: ED BRPA Evaluation approved on July 30, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 11, 2018.

Proposed Use of Section 4(f)/2002 Resources: The project will require approximately 0.07 square feet of ROW from the South Morrison Cove Rural Historic District, which was determined to be eligible for listing on the NRHP.

• **SR 0381, Section OMG—Ohiopyle Borough, Fayette County.**

Project Description: The project includes multimodal improvements to better serve all members of the traveling public along SR 0381, Section OMG in Ohiopyle State Park.

Environmental Documents: ED 2 Evaluation approved on July 20, 2018, and a Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit) approved on June 22, 2018.

Proposed Use of Section 4(f)/2002 Resource: The project will require approximately 1.46 acre of permanent ROW from the approximately 20,000-acre Ohiopyle State Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 4012, Section B10—Brighton Township, Beaver County.**

Project Description: The project involves landslide remediation on SR 4012, Section B10, which runs along Bradys Run.

Environmental Documents: ED 1b Evaluation approved on September 27, 2018, 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 August 29, 2018.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.4961 acre of ROW is required from the 2,000-acre Bradys Run Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 3011, Section DFP—Franklin Township, Adams County.**

Project Description: The project involves the replacement of the existing structure that carries SR 3011, Section DFP (Cashtown Road) over an unnamed tributary to Marsh Creek.

Environmental Documents: ED BRPA Evaluation approved on September 12, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 22, 2018.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.05 acre of ROW will be required from the 63,587-acre Northern Adams County Fruitbelt Historic District, which was determined to be eligible for listing on the NRHP.

MELISSA J. BATULA, PE,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 18-1993. Filed for public inspection December 21, 2018, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

Proposed Requirements for Permanent Records

The Local Government Records Committee (Committee), authorized through the Municipal Records Act (53 Pa.C.S. 1381—1389), is proposing: 1) a new policy to allow municipalities to keep permanent records in electronic format; and 2) updating the existing electronic-records policy found in the Municipal Records Manual.

The Committee requests public comment on the new policy which can be found at <https://www.phmc.pa.gov/Archives/News-Programs/Pages/Current-News.aspx>.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed policy by submitting a form on the State Archives web site or they may be submitted to the Local Government Records Committee, c/o Cynthia Bendroth, Chief, Records Services Division, State Archives, Historical and Museum Commission, 350 North Street, Harrisburg, PA 17120, (717) 783-7330, RA-LocalGovernment@pa.gov no later than January 31, 2019.

ANDREA LOWERY,
Executive Director

[Pa.B. Doc. No. 18-1994. Filed for public inspection December 21, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, December 6, 2018, and announced the following:

Action Taken—Regulation Approved:

Department of Labor and Industry # 12-109: Uniform Construction Code (amends 34 Pa. Code Section 403.21)

Approval Order

Public Meeting Held
December 6, 2018

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Labor and Industry
Uniform Construction Code
Regulation No. 12-109 (# 3219)*

On October 22, 2018, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Section 403.21. Notice of proposed rulemaking was omitted for this final regulation. Governor Tom Wolf certified the regulation as necessary to meet an emergency on October 18, 2018. The regulation became effective upon publication in the *Pennsylvania Bulletin* on November 3, 2018.

This regulation adds fire and smoke protection features to the Commonwealth's Uniform Construction Code for elevator lobbies.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. § 7210.304(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-1995. Filed for public inspection December 21, 2018, 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, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 7, 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-2018-3005786. Superior Medical Transportation Services, LLC (4420 Susan Drive, Bethlehem, PA 18017) in paratransit service, between points in Northampton and Lehigh Counties.

A-2018-3006337. Ready Limo Car Service, LLC (319 Pine Street, Reading, PA 19602) in limousine service, from points in Berks County, to points in Pennsylvania, and return.

A-2018-3006344. John M. Butler, II (1320 Chartiers Avenue, Pittsburgh, PA 15220) in limousine service, between points in Allegheny County.

A-2018-3006345. One EZ Life, Inc. (29 Beechwood Boulevard, Feasterville, PA 19053) 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-2018-3006394. Miracle Transport Services, LLC (654 Patriot Drive, Lancaster, PA 17601) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

Applications of the following for approval to begin operating as contract carriers for transportation of persons as described under each application.

A-2018-3005423. Kensington Capital Group, LLC (5200 Hilltop Drive, M-13, Brookhaven, PA 19015) for Access 2 Care, LLC, between points in the City of Philadelphia.

A-2018-3006379. ZenRide, LLC (122 Chestnut Street, Suite 300B, Philadelphia, PA 19106) for LogistiCare Solutions, LLC between points in Pennsylvania.

Application of the following for approval to begin operating as common carriers for transportation of household goods in use as described under the application.

A-2018-3001973. Mt. Everest Moving Company, Inc. (261 Wabash Road, Ephrata, PA 17522) household goods in use, between points in Pennsylvania. *Attorney:* Kenneth Olsen, 33 Philhower Road, Lebanon, NJ 08833.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods in use as described under the application.

A-2018-3005740. Mooster's Hauling, LLC, t/a College Hunks Hauling Junk and Moving of Kennett

Square (555 Rosedale Avenue, Kennett Square, Chester County, PA 19348) household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1996. Filed for public inspection December 21, 2018, 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 January 7, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. L & M Movers, LP; Docket No. C-2018-3005663

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 L & M Movers, LP, (respondent) is under suspension effective October 19, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 9912 Medway Road, Philadelphia, PA 19115.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 03, 2013, at A-8914637.
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-8914637 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: 11/7/2018

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. 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. Cheryl Sefchok, t/a Double R Trucking; Docket No. C-2018-3005664

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 Cheryl Sefchok, t/a Double R Trucking, (respondent) is under suspension effective October 19, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 102 Perryopolis Road, Perryopolis, PA 15473.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 28, 2001, at A-00117840.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 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-00117840 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: 11/7/2018

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. 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. S&H Fast Speed, LLC; Docket No. C-2018-3005670

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 S&H Fast Speed, LLC, (respondent) is under suspension effective October 19, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 8012 Williams Avenue, Philadelphia, PA 19150-1220.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 31, 2016, at A-8918613.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 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-8918613 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: 11/7/2018

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. 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-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
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. Horvath, Douglas D., t/a Horvath Hauling; Docket No. C-2018-3005733

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 Horvath, Douglas D., t/a Horvath Hauling, (respondent) is under suspension effective October 22, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 10831 Guffey Rillton Road, Rillton, PA 15678.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 18, 1997, at A-00113621.

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-00113621 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: 11/7/2018

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. 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. Michael T. Wheeler; Docket No. C-2018-3005742

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 Michael T. Wheeler, (respondent) is under suspension effective October 22, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 391, Loganville, PA 17342-0391.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 06, 2013, at A-8915570.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 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-8915570 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: 11/7/2018

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. 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. Robert D. Smoker, t/a Red Hill Auto Transport;
Docket No. C-2018-3005861

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 Robert D. Smoker, t/a Red Hill Auto Transport, (respondent) is under suspension effective October 29, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 316 East 6th Street, Red Hill, PA 18076.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 15, 2014, at A-8916713.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 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-8916713 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: 11/8/2018

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. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions, you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1997. Filed for public inspection December 21, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications Services

A-2018-3005390. Delta Telecom of PA, Inc. Application of Delta Telecom of PA, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Verizon Pennsylvania, LLC; Verizon North, LLC; The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink; Citizens Telecommunications of New York, Inc., d/b/a Frontier Communications of New York; Frontier Communications of Pennsylvania, LLC; Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; and Frontier Communications of Oswayo River, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 7, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 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 and at the applicant's business address.

Applicant: Delta Telecom of PA, Inc.

Through and By Counsel: Julie T. Muething, Keating, Muething & Klekamp, PLL, One East Fourth Street, Suite 1400, Cincinnati, OH 45202

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1998. Filed for public inspection December 21, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Wastewater Service

A-2018-3006505. Exeter Township. Application of Exeter Township for a certificate of public convenience, nunc pro tunc, to offer, render, furnish and supply wastewater service to the public in certain portions of Lower Alsace Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 7, 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 and at the applicant's business address.

Applicant: Exeter Township

Through and By Counsel: Barnett Satinsky, Esquire, Fox Rothschild, LLP, 2000 Market Street, 20th Floor, Philadelphia, PA 19103; Samuel W. Cortes, Esquire, Fox Rothschild, LLP, Eagleview Corporate Center, 747 Constitution Drive, Suite 100, Exton, PA 19341-0673

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1999. Filed for public inspection December 21, 2018, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Broker Application in the City of Philadelphia

The following registration application to render service as a broker in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than January 7, 2019. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-18-12-02. Zakaria Z. Jamshidi (1614 Porter Street, Philadelphia, PA 19145): An application for the registration of an individual to act as a broker to prepare and file application related documents, appear at settlements and otherwise act on behalf of a party as to matters related to applications, sales and/or transfers of transferable rights.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 18-2000. Filed for public inspection December 21, 2018, 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 January 7, 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-18-12-03. Pars Taxi, LLC (624 Gawain Road, Plymouth Meeting, PA 19462): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-18-12-04. Afnan Corporation (4650 Strahle Street, Philadelphia, PA 19136): 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.

Doc. No. A-18-12-05. Khubayb Khan, Inc. (4316 Palmetto Street, Philadelphia, PA 19124): 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. 18-2001. Filed for public inspection December 21, 2018, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Reminder Notice of Citation Complaint

**Philadelphia Parking Authority, Taxicab and
Limousine Division v. Crown Limousine Inc.;**
Doc. No. C-18-10-106

Attention Crown Limousine Inc., last known address of 15 Joshua Drive, Richboro, PA 18954, this is a reminder notice that on October 26, 2018, Citation Complaint T-25271 (Citation) was issued against you by the Taxicab and Limousine Division's (TLD) Enforcement Department via United States Mail, citing a violation of 52 Pa. Code § 1051.10 (relating to record retention), which carries a

recommended penalty of \$1,000. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answers to citations), an answer to the Citation was due no later than November 13, 2018.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citation and the penalty; along with imposing any suspension or revocation identified in the Citation.

Please take the necessary actions to satisfy the above referenced Citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk
Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148

If you have any questions concerning this notice, you may contact the TLD's Office of the Clerk, Heidi Robb, (215) 683-9498, TLDclerk@philapark.org.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 18-2002. Filed for public inspection December 21, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Katie Lynn Neistadt-Kissel, LPN; Case No. 17-51- 08853

On October 31, 2018, Katie Lynn Neistadt-Kissel, LPN, license No. PN296206, of Nazareth, Northampton County, was indefinitely suspended, retroactive to May 29, 2018, and ordered to pay \$525 in costs of investigation, based on her being unable to practice practical nursing with reasonable skill and safety to patients by reason of addiction to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgement or coordination, so long as the dependence continues.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-2003. Filed for public inspection December 21, 2018, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg,

PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

| <i>Ag Operation Name, Address</i> | <i>County/Township</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New, Amended or Existing</i> | <i>Action Taken</i> |
|--|---|--------------------------------|--------------------|---------------------------------|---------------------|
| Downs Racing, LP—
Mohegan Sun at Pocono Downs
1280 Highway 315
Wilkes-Barre, PA 18702 | Luzerne County/
Plains Township | 0 | Equine | New | Approved |
| Adam S. Martin, Jr.
390 Midway Road
Bethel, PA 19507 | Berks County/
Bethel Township | 98.7 | Broilers | New | Approved |
| Schrack Farms—Home Farm
James Harbach
860 West Valley Road
Loganton, PA 17747 | Clinton County/
Greene Township | 435 | Cattle | Amended | Approved |
| Jairus L. Musser
95 Ferebees Road
Pine Grove, PA 17963 | Schuylkill County/
Washington Township | 395 | Broilers | New | Approved |
| Maneval Poultry
Dale and Terry Maneval
11203 Route 35
Mount Pleasant Mills, PA 17835 | Snyder County/
West Perry Township | 71.01 | Broiler | Amended | Approved |
| Norman J. Zook
324 Smullton Road
Rebersburg, PA 16872 | Centre County/
Miles Township | 73.58 | Turkey/Broiler | New | Approved |
| Casey Carowick
16946 Beavertown Road
Todd, PA 16685 | Huntingdon County/
Cass Township | 716.05 | Swine | New | Approved |
| Landis Farms
Tim Landis
2607 Klingerstown Road
Herndon, PA 17830 | Northumberland County/
Jordan Township | 390.6 | Swine | New | Approved |
| Mervin and Wilmer Zimmerman
543 Laurel Road
Millmont, PA 17845 | Union County/
Hartley Township | 125.85 | Broilers | Existing | Rescind |
| Kevin Sellers
180 Horseshoe Road
Lebanon, PA 17042 | Lebanon County/
West Cornwall Township | 112.5 | Cattle | Existed | Rescind |

| <i>Ag Operation Name, Address</i> | <i>County/Township</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New, Amended or Existing</i> | <i>Action Taken</i> |
|--|---|--------------------------------|--------------------|---------------------------------|---------------------|
| John E. King
439 Lehman Road
Allenwood, PA 17810 | Lycoming County/
Washington Township | 34.49 | Pullets | New | Approved |
| Leonard R. Martin
Parcel East of Bordner Road
Richland, PA 17087 | Berks County/
Bethel Township | 385.15 | Broilers | New | Approved |
| Dwight Manbeck
917 Schwartz Valley Road
Schuylkill Haven, PA 17972 | Schuylkill County/
Wayne Township | 339.58 | Swine | New | Approved |

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 18-2004. Filed for public inspection December 21, 2018, 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 officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

| | | |
|------------------|---|--------|
| January 10, 2019 | Suellen M. Wolfe
Purchase of Service Issue | 1 p.m. |
| March 7, 2019 | David L. Divita
Purchase of Service Issue | 1 p.m. |
| April 12, 2019 | Michael C. Santilli (Deceased)
Contested Death Benefit Issue | 9 a.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. 18-2005. Filed for public inspection December 21, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 245]

Administration of the Storage Tank and Spill Prevention Program

The Environmental Quality Board (Board) by this order amends Chapter 245 (relating to Administration of the Storage Tank and Spill Prevention Program). This final-form rulemaking strengthens the requirements for operation and maintenance of underground storage tank (UST) equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention and release detection equipment in place but are not required to periodically verify the functionality of some of that equipment. This final-form rulemaking also adds a new certification category for persons that only perform minor modifications of UST systems. This final-form rulemaking also shortens the in-service inspection cycle for aboveground storage tanks (AST) in underground vaults and small ASTs. This final-form rulemaking clarifies or corrects other provisions in Chapter 245 based on the Department of Environmental Protection's (Department) experience in implementing this chapter since the last comprehensive Department rulemaking, which occurred over 10 years ago.

This order was adopted by the Board at its meeting on August 21, 2018.

A. Effective Date

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

B. Contact Persons

For further information contact Kris A. Shiffer, Chief, Division of Storage Tanks, P.O. Box 8762, Rachel Carson State Office Building, Harrisburg, PA 17105-8762, (717) 772-5809; or Robert Schena, Esq., Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8072. Persons with a disability may use the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department's website at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This final-form rulemaking was developed under the authority of section 106 of the Storage Tank and Spill Prevention Act (act) (35 P.S. § 6021.106), which authorizes the Board to adopt rules and regulations governing ASTs and USTs to accomplish the purposes and carry out the provisions of the act; section 301 of the act (35 P.S. § 6021.301), which authorizes the Department to establish program requirements for ASTs; section 501 of the act (35 P.S. § 6021.501), which authorizes the Department to establish program requirements for USTs; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

D. Background and Purpose

The United States Environmental Protection Agency (EPA) has codified comprehensive Federal regulations for USTs at 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)). The EPA initially promulgated these regulations in 1988. The EPA published final revisions to 40 CFR Part 280 at 80 FR 41566 (July 15, 2015) (July 15, 2015 Final Rule), effective October 13, 2015. The revisions in the July 15, 2015 Final Rule, among other things, added secondary containment requirements for new and replaced tanks and piping, added operator training requirements, added periodic operation and maintenance requirements for UST systems, removed certain deferrals, added new release prevention and detection technologies, updated codes of practice and made editorial and technical corrections. The Department incorporated secondary containment and operator training requirements that meet the Federal requirements into Chapter 245 through prior rulemakings that became effective on November 10, 2007, and December 26, 2009, respectively.

In the EPA's July 15, 2015 Final Rule, the EPA also updated the State Program Approval (SPA) requirements in 40 CFR Part 281 (relating to approval of state underground storage tank programs). Under these revisions, the EPA requires that states amend their UST regulations and apply for initial or revised SPA within 3 years of the October 13, 2015, effective date of the July 15, 2015 Final Rule. Currently, the Commonwealth has SPA. The Commonwealth receives approximately \$2.3 million annually in Federal grant funding from the EPA under section 9014 of the Solid Waste Disposal Act (42 U.S.C.A. § 6991m) to aid in administering the UST program. This final-form rulemaking is necessary to ensure continued receipt of Federal grant funds. The Department is required to update Chapter 245 to be no less stringent than the Federal requirements so the Department may re-apply for SPA. States and Tribal lands that do not have SPA were required to comply with the EPA final regulations on October 13, 2015. The EPA has not codified companion AST regulations.

This final-form rulemaking is also necessary to further prevent releases of regulated substances from USTs into the environment. There were 210 confirmed releases from USTs in this Commonwealth from October 1, 2016, through September 30, 2017, which were the result of improper operation and maintenance of UST systems. Releases from piping and spills and overfills associated with deliveries, and releases at the dispenser have emerged as common issues. In addition, as noted by the EPA in the preamble to its 2015 Final Rule published at 80 FR 41567, release detection equipment is only successfully detecting approximately 50% of releases it is designed to detect.

A summary of the changes to the Chapter 245 proposed rulemaking resulting from public comment is provided in Section E of this preamble. In addition to updating Chapter 245 to be consistent with EPA requirements at 40 CFR 280, this final-form rulemaking improves operation and maintenance of USTs to prevent the release of regulated substances into the environment by requiring, among other things, a visual inspection of spill prevention equipment and release detection every 30 days, a visual inspection of containment sumps and handheld release

detection devices annually, testing of spill prevention equipment every 3 years, inspection of overfill prevention equipment every 3 years, testing of containment sumps used for interstitial monitoring every 3 years, and annual release detection equipment testing.

In addition to the new operation and maintenance requirements, this final-form rulemaking includes two other key provisions to prevent releases of regulated substances into the environment:

- Release detection requirements for emergency generator USTs are added. These USTs were previously deferred from having to meet release detection requirements;
- Ball float valves are prohibited as an option for overfill prevention in new UST systems and when these devices need to be replaced.

This final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by this final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. As owners of regulated USTs, Federal, State and local government will also be affected.

Based upon discussions with several Department certified tank handling companies and the Department's Storage Tank Advisory Committee (STAC) members, and Department attendance at Tank Installer of Pennsylvania meetings, the Department is confident that existing tank installers and inspectors certified by the Department will have the capacity to provide the increased testing and inspections that this final-form rulemaking requires.

Owners of existing storage tank systems will have ample time in which to comply with this final-form rulemaking, once published. Owners of new storage tank systems will need to comply with the requirements upon the effective date of this final-form rulemaking.

The Department worked with the STAC during development of this rulemaking. STAC, which was established by section 105 of the act (35 P.S. § 6021.105), consists of persons representing a cross-section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. As required under section 105 of the act, STAC was given the opportunity to review and comment on both the draft proposed and draft final-form annex. At the December 8, 2015, and June 7, 2016, STAC meetings, individual STAC members were provided with the opportunity to review Department concepts and present concepts that they would like to see incorporated into Chapter 245. STAC was also afforded the opportunity to review and discuss draft proposed regulatory language at its December 6, 2016, and March 7, 2017, meetings. On March 7, 2017, STAC voted unanimously to support the amendments presented in the Department's draft proposed rulemaking and recommended that the Board consider the amendments for publication as a proposed rulemaking. The Board adopted the proposed rulemaking on October 17, 2017, and published it at 48 Pa.B. 1101 (February 24, 2018). On May 17, 2018, STAC reviewed draft final-form regulatory language. At that meeting, STAC voted unanimously to support the amendments and recommended that the Board consider the amendments for publication as a final-form rulemaking.

A listing of STAC members and minutes of STAC meetings are available on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees") and may also be obtained from Kris

Shiffer, whose contact information appears in Section B of this preamble. The Citizens Advisory Council received monthly updates on the status of this final-form rulemaking.

E. Summary of Changes to the Proposed Rulemaking

In this section of the preamble, the Board describes changes made in this final-form rulemaking. Changes made in the proposed rulemaking may be viewed at 48 Pa.B. 1101 (February 24, 2018).

Section 245.1. Definitions.

The Department amends or adds a number of definitions under § 245.1 (relating to definitions).

"Containment structure or facility"

The Department amends the definition of "containment structure or facility" in this final-form rulemaking to add clarity. Of note, the Department has added the phrase "designed to contain" and deleted the existing language "which comes in contact with" and "any rock or other fill material placed around an underground storage tank." Based on the Department's experience, rock or fill material around a UST cannot adequately contain a regulated substance if a release from the UST system occurs; therefore, upon further consideration, the Department believes that rock or fill material is not suitable as containment. The term "containment structure or facility" appears in the definition of "release," the definition of "immediate threat of contamination" added in this final-form rulemaking, and proposed amendments to §§ 245.132(a)(4)(iii), 245.303(e)(1) and 245.613(b)(1) (relating to standards of performance; general requirements; and monitoring standards), retained in this final-form rulemaking.

"Release" and "Immediate threat of contamination"

In the proposed rulemaking, the Department proposed to revise the definition of "release," delete the definition of "reportable release," and add three specific types of "releases" in new § 245.305(i) (relating to reporting releases) that would not require reporting to the Department or further corrective action provided certain criteria were met. As a result, two main questions arose during the comment period. First, commentators asked if the proposed amendments conflicted with the statutory definition of "release." Second, commentators asked if the proposed amendments would require the reporting of all spills into emergency containment structures, which the commentators stated are designed to contain spills and therefore are not a threat to the environment. In this final-form rulemaking, in consideration of the comments received, the Department instead defines "immediate threat of contamination," deletes the proposed addition to the definition of "release," deletes the definition "reportable release," and amends the reporting requirements in § 245.305 for petroleum releases.

The impetus for this change, both in the proposed and final-form amendments, is the undefined phrase "immediate threat of contamination" in the existing (and final-form) definition of "release" in § 245.1. A "release" includes "spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater." *Id.* (Emphasis added). The Department defines "immediate threat of contamination" in this final-form rulemaking to be a spill from a storage tank into a containment structure or facility in an amount that is equal to or greater than the applicable

reportable released quantity under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C.A. § 9602) and regulations under CERCLA; an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C.A. § 1321) and regulations under the Clean Water Act, and a spill of petroleum in any amount. CERCLA and the Clean Water Act establish reportable quantity limits for hazardous substances and prohibit discharges that exceeds those reportable quantities. The Department also defines an “immediate threat of contamination” not to include “spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum into a liquid-tight containment sump or emergency containment structure in an amount less than 25 gallons as a result of a tank handling activity if the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.”

This definition balances the Department’s need to adequately oversee “release” responses while recognizing that facility owners and operators should not need to report certain small spills from storage tanks that do not pose a risk of contamination.

Section 245.108. Suspension of certification.

The Department amends § 245.108(a)(4)(iii) (relating to suspension of certification) in this final-form rulemaking to address submission of modification reports for inspection activities involving multiple certified individuals and certification categories. If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Subsection 245.108(a)(4)(iii) of this final-form rulemaking reads: “Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for reports of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity. For inspection activities involving multiple certified individuals and certification categories, reports of modification inspection activities must be submitted within 30 days of the completion of all project tank handling and inspection activities.”

Section 245.113. Certified inspector experience and qualifications.

In response to a concern that the list of college degrees for certified inspector qualification in § 245.113(c) (relating to certified inspector experience and qualifications) seemed too restrictive, “corrosion engineering” is added to the college degrees listed in § 245.113(c) in this final-form rulemaking. The college degrees listed may be substituted for experience in applying to be a certified inspector.

Section 245.132. Standards of performance.

The Department amends § 245.132(a)(2) to require that modification inspection reports be submitted to the Department within 30 days of conducting the inspection activity. The current requirement is to submit the report within 60 days of conducting the inspection. This amendment shortens the length of time between submittal of the modification report (required within 30 days of completion of the modification) and the modification inspection report allowing the Department to review the inspection report of the modification activity in a more

timely manner. The Department believes that 30 days is adequate time to prepare and submit the modification inspection report. However, § 245.132(a)(2) is amended in this final-form rulemaking to address submission of modification reports for inspection activities involving multiple certified individuals and certification categories. If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Subsection 245.132(a)(2) of this final-form rulemaking provides clarifying language with regards to all reporting requirements pertaining to tank handling and inspection activities conducted by certified installers and certified inspectors.

Section 245.302. Scope.

For consistency, the term “suspected releases” is added to § 245.302 (relating to scope) of this final-form rulemaking.

Section 245.304. Investigation and reporting of suspected releases.

For purposes of consistency and clarification, the word “suspected” is added to § 245.304(a) (relating to investigation and reporting of suspected releases) in this final-form rulemaking.

Subsection 245.304(c) is amended in this final-form rulemaking to incorporate proposed § 245.304(d) and language from existing § 245.304(d) to clarify the actions an owner or operator needs to take upon completion of a suspected release investigation, and, in particular, if the investigation cannot determine whether a release of a regulated substance has occurred. Under § 245.304(c)(3), the presence of a regulated substance in a containment structure or facility that is shown to be liquid-tight, even if not considered a release, must still be addressed. The regulated substance cannot remain indefinitely in the containment structure or facility. However, the extent of the corrective action may be limited to the complete removal and proper disposal of the regulated substance, and repair or replacement of the defective storage tank component. As a result of these amendments, the title of § 245.304 is revised in this final-form rulemaking to read: “Investigation and reporting of suspected releases.”

Section 245.305. Reporting releases.

As previously described in this final-form rulemaking, the Department defines the term “immediate threat of contamination” contained in the definition of “release.” In conjunction, § 245.305(i) is amended to address the specific “releases” of petroleum that do not require reporting to the Department and do not require further corrective action, provided certain criteria are met. Those criteria, which have also been amended, are:

- the owner or operator has control over the release,
- the release is completely contained, and
- the total volume of the release is recovered and removed within 24 hours of the release.

While one of the proposed release reporting criteria, namely “any defective storage tank system component that caused or contributed to the release is properly repaired or replaced” is deleted, an owner or operator may not resume use of the storage tank system until the defective component that caused or contributed to the release is properly repaired or replaced.

Provided all three of the previously listed criteria are met, the following release situations will not need to be reported to the Department:

A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons.

A release of petroleum to a containment sump where the total volume of the release is contained below the lowest sump penetration.

If another release situation occurs, or if one of the two release situations previously listed occurs, but all three of the previously listed criteria are not met, the release must be reported.

A comparison of the release situations that do not require reporting to the Department in the proposed rulemaking and in this final-form rulemaking is as follows:

Proposed § 245.305(i)(1) stated, "A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons." This language is retained in this final-form rulemaking and includes releases within and outside of emergency containment. As applied to releases of petroleum that are less than 25 gallons and not within an emergency containment structure, the release must not impact soils, subsurface soils, surface water or groundwater. In practice, this means that the release must be to a concrete pad, asphalt surface or similar surface that is not cracked or highly weathered that will contain the regulated substance so that it may be completely recovered. Otherwise, the release must be reported.

Proposed § 245.305(i)(2) stated, "A release of a hazardous substance to an aboveground surface, including within an emergency containment structure, that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification)." This language is deleted from this final-form rulemaking because a spill of a hazardous substance that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 is not a release.

Proposed § 245.305(i)(3) stated, "A release to a liquid-tight containment sump used for interstitial monitoring of piping in accordance with § 245.444(6) (relating to methods of release detection for tanks)." While this language is deleted from this final-form rulemaking, § 245.305(i)(2) in this final-form rulemaking is revised to read: "A release of petroleum to a containment sump where the total volume of the release is contained below the lowest sump penetration." Provided the previously stated criteria are met, this release reporting exception applies to all containment sumps, not only those used for interstitial monitoring of piping. However, reporting is required for petroleum releases that reach the lowest sump penetration or above.

Section 245.403. Applicability.

Subsection 245.403(c) (relating to applicability) of the proposed rulemaking stated the partial regulatory exclusions for wastewater treatment tank systems and nuclear-related UST systems that are now subject to regulation under Chapter 245. The Department clarifies in this final-form rulemaking that USTs identified in § 245.403(c)(1)—(3) need not comply with §§ 245.411, 245.421(b)(3) and (4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436—245.446.

A new § 245.403(c)(4) is added to this final-form rulemaking to clarify that UST systems installed before May

7, 1985, are not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433 and 245.436—245.446.

The Department amends § 245.403(d) in this final-form rulemaking to provide owners of previously excluded USTs 60 days from the effective date of this final-form rulemaking to register the USTs. This was in response to concerns that 30 days to register previously deferred USTs may not be an adequate amount of time given the fact that a UST may have been installed many years ago and installation records will need to be retrieved and reviewed.

Section 245.432. Operation and maintenance including corrosion protection.

Several words are amended in § 245.432(a) (relating to operation and maintenance including corrosion protection) in this final-form rulemaking to clarify and more accurately reflect the requirements of the subsection. For example, § 245.432(a)(2) is amended to state that UST systems equipped with cathodic protection systems shall be tested (as opposed to inspected) for proper operation by a qualified cathodic protection tester.

Section 245.433. Compatibility.

In recognition of a commentator's concern that the requirement to submit compatibility information for "alternative fuel blends or biodiesel or biodiesel blended fuel" was subject to interpretation and lacked clarity, and due to the fact that the Department may request an owner or operator to provide compatibility documentation for any regulated substance, § 245.433(b) (relating to compatibility) is amended in this final-form rulemaking to read: "Upon Department request, an owner and operator of an underground storage tank shall submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank."

Also, since compatibility documentation is to be maintained for all regulated UST systems, § 245.433(c) is amended in this final-form rulemaking to read: "An owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of the following:" The proposed rulemaking stated that an owner and operator shall demonstrate compatibility only upon Department request.

Finally, § 245.433(c)(2) in this final-form rulemaking reads: "The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer."

Section 245.435. Reporting and recordkeeping.

The Department amends § 245.435(d)(13) (relating to reporting and recordkeeping) in this final-form rulemaking to clarify and more accurately reflect the requirements of the subsection.

Section 245.512. Facility operations and spill response plan.

The Department amends § 245.512 (relating to facility operations and spill response plan) in this final-form rulemaking to clarify that only changes or revisions to an initial Spill Prevention Response Plan—not the entire plan—need to be submitted to the Department and that such must be submitted within 180 days. In addition, language is added in this final-form rulemaking to allow revisions of the plan to be submitted in writing or electronically.

Section 245.513. Preventative maintenance and housekeeping requirements.

The proposed language in § 245.513(b)(2)(v) (relating to preventive maintenance and housekeeping requirements) would have required the owner and operator of a AST to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. In consideration of the comment that this requirement would be unduly burdensome, proposed § 245.513(b)(2)(v) is deleted and cathodic protection system inspection and testing requirements are added in § 245.532 (relating to cathodic protection systems) in this final-form rulemaking.

Section 245.514. Security.

In response to requests to allow the written log book to be maintained in electronic form, proposed § 245.514(b) (relating to security) is amended in this final-form rulemaking to allow the log to be maintained in written or electronic form.

Section 245.516. Recordkeeping requirements.

Proposed § 245.514(b) is amended in this final-form rulemaking to allow the log to be maintained in written or electronic form. Therefore, the corresponding recordkeeping requirement in § 245.516(c)(8) (relating to recordkeeping requirements) is amended.

Subsection 245.516(c)(11) is amended in this final-form rulemaking to clarify that results of the last two cathodic protection monitoring required under § 245.532 must be maintained.

A new § 245.516(c)(16) is added to this final-form rulemaking to require documentation of the last three impressed current cathodic protection system checks for each 60-day period as required under § 245.532.

Section 245.522. New aboveground storage tank installations and reconstructions.

Proposed § 245.522(g) (relating to new aboveground storage tank installations and reconstructions) is deleted in this final-form rulemaking. This subsection would have required previously regulated storage tanks being reactivated to meet new storage tank system requirements and was proposed primarily with emergency containment structures in mind. A commentator stated that existing emergency containment areas should not be required to be upgraded as a result of activating (or adding) a tank into that existing emergency containment area. As a result of the comment, § 245.542(d)(1) and (2) (relating to containment requirements for aboveground storage tank systems) is amended in this final-form rulemaking to clarify the emergency containment requirements based on installation date of the AST.

Section 245.532. Cathodic protection systems.

The proposed language in § 245.513(b)(2)(v) would have required the owner and operator of a AST to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. This monthly inspection would have included inspection of junction boxes, test stations and other equipment to ensure all connections are secure and unaffected by corrosion and any installed rectifier is providing appropriate output. In consideration of the comment that this requirement would be unduly burdensome, proposed § 245.513(b)(2)(v) is deleted and cathodic protection system inspection and testing requirements are added in § 245.532(c) in this final-form rulemaking. These amendments will require testing of galvanic ca-

thodic protection systems at least every 3 years and annual testing for impressed current systems. Impressed current systems will also be required to have current output recorded every 60 days. Both types of cathodic protection systems will be required to be tested within 6 months following installation and repair. These added cathodic protection system inspection and testing requirements are replacing the proposed monthly maintenance inspection of cathodic protection systems. These cathodic protection inspection and testing requirements are no more stringent than the inspection and testing requirements established in Nationally recognized codes and standards established by such organizations as the American Petroleum Institute and NACE International—The Corrosion Society. Current § 245.532(c) requires cathodic protection systems to be “monitored periodically as determined by the corrosion system design.” The specific requirements added to this final-form rulemaking provide owners and operators with the necessary information to properly monitor the cathodic protection systems.

Section 245.542. Containment requirements for aboveground storage tank systems.

Subsection 245.542(d)(1) and (2) is amended in this final-form rulemaking to clarify the emergency containment requirements based on installation date of the AST. The intent of § 245.542(d)(1) is to apply to new tank systems, a position the Department has maintained since the provisions were initially promulgated on October 11, 1997. A new tank system includes a tank being reactivated in a shared, existing emergency containment area. In this instance, the emergency containment area must be upgraded to meet the requirements of § 245.542(d)(1). The provisions are amended to clarify that large ASTs installed after October 11, 1997, must be installed within emergency containment having permeability less than 1×10^{-6} cm/sec.

Section 245.603. General storage tank facility requirements.

Subsection 245.603(a) (relating to general storage tank facility requirements) is amended in this final-form rulemaking to clarify that it is only changes to the current Spill Prevention Response Plan (Plan) that are required to be submitted. In consideration of comments received, the Department replaced the proposed requirement to submit plan revisions or addenda within 120 days to a requirement to submit them within 180 days. In addition, language is added to allow revisions of the Plan to be submitted in writing or electronically.

In response to requests to allow the written log book to be maintained in electronic form, § 245.603(c) is amended in this final-form rulemaking to allow the log to be maintained in written or electronic form. In addition, this final-form rulemaking allows equivalent verification of presence onsite, in place of a signature, for identification in each log book entry of the individual performing tank handling and inspection activities.

Section 245.613. Monitoring standards.

The proposed language in § 245.613(b)(5) (relating to monitoring standards) would have required the owner and operator of a small AST to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. This monthly inspection would have included inspection of junction boxes, test stations, and other equipment to ensure all connections are secure and unaffected by corrosion and any installed rectifier is providing appropriate output.

Consistent with the amendments made to proposed §§ 245.513(b)(2)(v) and 245.532, proposed § 245.613(b)(5) is deleted and cathodic protection system inspection and testing requirements are added in § 245.613 in this final-form rulemaking. These amendments will require testing of galvanic cathodic protection systems at least every 3 years and annual testing for impressed current systems. Impressed current systems will also be required to have current output recorded every 60 days. Both types of cathodic protection systems will be required to be tested within 6 months following installation and repair. These added cathodic protection system inspection and testing requirements are replacing the proposed monthly maintenance inspection of cathodic protection systems. These cathodic protection inspection and testing requirements are no more stringent than the inspection and testing requirements established in Nationally recognized codes and standards established by such organizations as the American Petroleum Institute and NACE International—The Corrosion Society. The specific requirements added to this final-form rulemaking are necessary to provide owners and operators with the information needed to properly monitor the cathodic protection systems.

Section 245.615. Recordkeeping requirements.

Subsection § 245.603(c) is amended in this final-form rulemaking to allow the log to be maintained in written or electronic form. Therefore, the corresponding recordkeeping requirement in § 245.615(b)(8) (relating to recordkeeping requirements) is amended similarly.

A new § 245.615(b)(9) is added to this final-form rulemaking to require documentation of the last three impressed current cathodic protection system checks for each 60-day period as required under § 245.613.

A new § 245.615(b)(10) is added to this final-form rulemaking to require documentation of the last two cathodic protection surveys, done at 3-year intervals on galvanic and annually on impressed current cathodic protection systems as required under § 245.613.

F. Summary of Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was approved by the Board on October 17, 2017, and published at 48 Pa.B. 1101 (February 24, 2018). Public comments on the proposed rulemaking were accepted through March 26, 2018. The Board received comments from 19 commentators during the public comment period and comments from the Independent Regulatory Review Commission (IRRC). The comments were considered and are addressed in the comment and response document that accompanies this final-form rulemaking. All public comments are available on the Department's web site at <http://www.ahs.dep.pa.gov/eComment/>. Comments from IRRC are available on IRRC's web site at <http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3210>. A summary of the major comments and responses that represent significant topics addressed from a variety of constituents is set forth as follows.

General—Support for Primacy and Environmental Protection

Commentators expressed support for the Commonwealth's efforts to retain primacy over the Federal requirements relating to the UST program contained in 40 CFR Part 280. Commentators noted that a significant number of the proposed changes to Chapter 245 appear to be designed to update Chapter 245 in light of the recent changes to 40 CFR Part 280.

One commentator supports the provisions of the proposed rulemaking that will minimize the frequency of releases from storage tank systems that may adversely impact the environment, including those amendments designed to ensure that equipment functions properly and that tank systems are timely inspected.

Subchapters A and D—Definitions of Release and Reportable Release; and Release Reporting

Section 245.1. Definitions.

Section 245.305. Reporting releases.

One commentator stated that “spills that pose no threat of contamination are not releases.” The commentator cited the 2016 Environmental Hearing Board (EHB) decision in *Merck Sharp & Dohme Corp. (“Merck”) v. Department of Environmental Protection*, 2016 EHB 411. In that decision (2016 EHB at 421), the EHB stated: “The definition of ‘release’ is clear and unambiguous. There is no ‘release’ (and therefore, no reportable release) unless the spill is from a storage tank into environmental media or ‘into a containment structure or facility that poses an immediate threat of contamination of’ environmental media. Under the definitions of both ‘release’ and ‘reportable release,’ it is clear that fully contained spills that pose no immediate threat need not be reported.”

The Department responded that, as an initial matter, the *Merck* case involved the legal interpretation of the terms “release” and “reportable release,” as those terms are currently defined in Chapter 245. The EHB held that *Merck* correctly interpreted the regulatory requirements of Chapter 245 within its spill prevention response plan (SPRP) for *Merck's* West Point facility. The EHB did not comment on whether any type or amount of spill might constitute an “immediate threat of contamination,” nor did it review or endorse *Merck's* West Point facility's SPRP or containment structure as an effective means of containing spills or dealing with an “immediate threat of contamination.” Instead, the EHB commented that the Department should propose its policy preference—that spills to a containment structure should be reported—to the Board. (2016 EHB at 420).

The Department's amendment of the “release” definition in the proposed rulemaking, and its addition of a definition of “immediate threat of contamination” in this final-form rulemaking, are consistent with the EHB's directive and do not contravene the act's definition of “release.” Under section 103 of the act (35 P.S. § 6021.103), and under existing § 245.1, a “release” is defined to include spilling “from a storage tank into a containment structure or facility that poses an immediate threat of contamination of soils, subsurface soils, surface water or groundwater.” (Emphasis added.) Neither the act nor existing Chapter 245 defines “immediate threat of contamination,” which has confused the analysis and reporting of spills within a containment structure. The Department clarifies what constitutes an “immediate threat of contamination” and resolves these issues in this final-form rulemaking.

In response to *Merck's* comments, as well as those from other commentators, the Department is deleting the language it proposed to add to the definition of “release” and is replacing it with a definition of “immediate threat of contamination” to clarify that spills from a storage tank into a containment structure that equal or exceed applicable CERCLA reportable quantity thresholds or are an amount equal to or greater than a “discharge” under § 311 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C.A. § 1321) pose an immediate

threat of contamination to soils, subsurface soils, surface water or groundwater, and are therefore “releases.” As a result, the Department does not believe that there will be a scenario, like the one proposed by the commentator, in which a spill that is less than CERCLA-reportable quantities and is otherwise not a “release” qualifies as an “immediate threat of contamination” because it is in a containment structure.

In addition, the Department defines “immediate threat of contamination” to exclude spills of petroleum less than 25 gallons that are a result of a tank handling activity if a certified installer responds to them promptly. The Department believes that this revision streamlines analysis of whether a spill is a “release” and, if so, whether the “release” needs to be reported. In addition, the proposed revision avoids burdening facilities that have efficient containment and response capabilities while preserving the Department’s need and ability to implement the act effectively.

IRRC commented that the Board proposes to amend the definition of “release” and delete the definition of “reportable release.” These amendments have generated interest from the regulated community. They believe the changes will require the reporting of every spill into emergency and secondary containment structures as a “release” and argue that a spill into a secure containment area is not necessarily a threat to the environment. They contend that the revisions would trigger new reporting, corrective action and other obligations that are not necessary for the protection of human health and the environment. In addition, commentators contend that these amendments conflict with the statutory definition of “release” found in section 103 of the act (35 P.S. § 6021.103) and the intention of the General Assembly.

IRRC raised several questions about these amendments and the issues raised by commentators. First, are these amendments needed to align Chapter 245 with EPA amendments to its UST regulations? Second, why does the Board believe the amendments being proposed are consistent with the statutory definition of “release” and the intention of the General Assembly? Third, what is the need for the changes? Are the existing requirements allowing spills to reach the environment and causing harm? Finally, will the amendments require additional reporting and corrective action for spills into emergency and secondary containment structures? If yes, what are the differences between existing requirements and the new requirements?

The Department noted in its response to these comments that the amendments are not needed to align Chapter 245 with EPA amendments to its UST regulations. Rather, the amendments are needed to ensure protection of the environment in a streamlined fashion. The definition in this final-form rulemaking of “immediate threat of contamination” in regard to USTs is only slightly more stringent than Federal regulations, which require that State programs, at a minimum, require prompt reporting of all confirmed underground releases and any spills and overfills that are not contained and cleaned up. (40 CFR 281.34(b) (relating to release reporting, investigation, and confirmation)). State programs must be no less stringent than EPA requirements but may be more stringent. (40 CFR 281.11(b) (relating to general requirements)).

Under these final-form regulations, the Department will require a report of a release of hazardous substances within containment if the release exceeds applicable reportable quantities established by CERCLA. The De-

partment will also require a report of a petroleum release within containment if the release equals or exceeds 25 gallons or, if less than 25 gallons, the release is not cleaned up within 24 hours.

With regard to the amendments being consistent with the statutory definition of “release” in the act, see the response to the preceding comment. With regard to the amendments being consistent with the General Assembly’s intentions, the amendments in this final-form rulemaking meet the expressed intentions of the General Assembly for the Department to prevent releases from storage tanks, to establish with the Board a regulatory scheme to prevent releases and require prompt cleanup and removal of pollution, and through the Board to adopt regulations that cover release reporting and remediation of releases from storage tanks. (35 P.S. §§ 6021.102, 6021.106(a) and 6021.301(a)(6)).

The addition of the definition of “immediate threat of contamination” and the amendment in § 245.305(i) regarding releases and reportable releases are needed to produce increased compliance and more efficient oversight to ensure protection of the environment. As previously set forth under Section D, Background and Purpose, there were 210 confirmed releases from USTs in this Commonwealth from October 1, 2016, through September 30, 2017, which were the result of improper operation and maintenance of UST systems. Releases from piping and spills and overfills associated with deliveries, and releases at the dispenser, have emerged as common issues. In addition, as noted by the EPA in the preamble to its July 15, 2015 Final Rule published at 80 FR 41567, release detection equipment is only successfully detecting approximately 50% of releases it is designed to detect.

This is occurring under the existing regulations, which define “reportable release” in § 245.1 to require a storage tank owner or operator to report a release of a regulated substance that “poses an immediate threat” to environmental media, unless the owner or operator has control over the release, completely contains it and, within 24 hours of the release, removes the total volume of the release. This definition requires an owner or operator first to determine if the spill “poses an immediate threat,” and then, if it does, to report it to the Department. Section 245.1 defines a “release” to include, “. . .spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination. . .”

The phrase “immediate threat” in the existing regulations requires an undefined, qualitative analysis by a facility owner or operator. As a result, the Department’s ability to oversee and enforce relies in large part on the discretion of owners and operators to report spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank. The Department’s addition of the definition of “immediate threat of contamination” and deletion of the definition of “reportable release” in this final-form rulemaking provide a simple quantitative approach that streamlines the analysis of spills, balances the facility owner and operator’s desire to exclude certain small spills from reporting, and ensures the Department’s ability to adequately oversee the program. These clarified reporting requirements will enable the Department to confirm that facilities are reporting spills and to determine whether those spills impact the environment.

The Department does not agree that this new reporting structure will result in new reporting or corrective action obligations for spills into emergency and secondary con-

tainment structures. Facility owners and operators have always been required to report releases that pose an immediate threat to the environment. Rather, this clarification may result in more frequent reports to the Department, though the Department also believes that the definition of “immediate threat of contamination” in this final-form rulemaking will result in increased compliance and more efficient oversight because it is quantitatively based, rather than left entirely to the discretion of the facility owners and operators. Other than clarifying reporting obligations, the Department is not amending the corrective action requirements in Chapter 245 to a significant degree.

IRRC commented that § 245.305 specifies procedures to be followed after the confirmation of a release. New subsection (i) identifies types of releases that do not need to be reported to the Department. Commentators believe the exemptions are narrow and do not properly consider the actual threat to the environment. IRRC asked why the Board adopted this approach which relies on reportable quantities compared to an approach that would allow the owner or operator of a storage tank system or storage tank facility to evaluate the actual threat to the environment. IRRC requested that the Board explain the reasonableness of this approach in the preamble to this final-form rulemaking.

In response to comments received, the Department has altered its approach in this final-form rulemaking to require reporting of releases into containment in fewer situations. In this final-form rulemaking, the Department added a definition in § 245.1 for the phrase “immediate threat of contamination” because the term is used in the existing and final-form definition of “release” with regard to spills into containment. The new definition of “immediate threat of contamination” excludes most spills into a containment structure or facility below the applicable Federal reportable quantity limits. Though different in respect to the location of the spill, this language mirrors language in existing statutory and regulatory definitions of “release,” which exclude spills into environmental media below Federal reportable quantity limits. 35 P.S. § 6021.103; 25 Pa. Code § 245.1.

With this new definition of “immediate threat of contamination,” most spills below the applicable Federal reportable quantity limits will not be subject to the reporting requirements of § 245.305.

Regarding spills of petroleum absent a certified installer’s onsite involvement, as included under the definition of “immediate threat of contamination,” a spill from a storage tank will be a “release” under the definitions of “immediate threat of contamination” and “release.” However, under § 245.305(i) of this final-form rulemaking an owner or operator will not need to report a spill of less than 25 gallons to an aboveground surface or a spill that is below the lowest containment sump penetration, if the owner or operator contains and controls the spill, and removes the total volume of the spill within 24 hours. In addition, the definition of “immediate threat of contamination” does not include spills of petroleum that are less than 25 gallons into either a liquid-tight containment sump or emergency containment structure that occur as a result of “tank handling activity,” as that term is defined in § 245.1. Consequently, reporting would not be required.

The addition of a definition of “immediate threat of contamination” and the amendments in this final-form rulemaking to the reporting exemptions under § 245.305(i) create a broad exemption for small spills

that do not need to be reported while balancing the Department’s need to effectively oversee the threat to the environment and to protect against pollution. The Department believes that defining “immediate threat of contamination” is a reasonable approach because a quantitative review of a spill, rather than a qualitative analysis of a spill and its possible effects, significantly simplifies release reporting analysis and clarifies the roles of owners, operators and the Department in the process. Note that while containment structures help to prevent contamination, they do not alone completely mitigate the risk of contamination to the environment.

Finally, this simplification will benefit the Department, the regulated community and, most importantly, the environment and public health. Among its various duties, the Department is also responsible under § 245.305(g) for determining when a release poses an immediate threat to public health and safety. The Department cannot promptly respond to this duty if facilities spend valuable time determining if a spill poses a threat.

Subchapter A—General Provisions

Section 245.1. Definitions.

A number of commentators raised concern about the regulation of UST systems containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297) and UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants). In addition, commentators expressed concern that the exclusion of wastewater tank systems from the universe of USTs regulated under Chapter 245 is too narrow. Commentators suggested that the proposed changes to Chapter 245, which include limiting language that provides that to be excluded, wastewater tank systems must be part of a water treatment facility that is either regulated under the National pollutant discharge elimination system (“NPDES”) permitting program or the industrial wastewater pretreatment program under the Federal Clean Water Act, would subject certain wastewater tank systems to Chapter 245 for the first time.

Commentators stated that the proposed rule should be revised to be consistent with, and no more stringent than, the requirements and exclusions in EPA’s July 15, 2015 Final Rule. Additionally, a commentator requested that the Department clarify that the Part 280 Subpart A installation requirements apply to the installation of new tanks, which the commentator believes is the intent of the Part 280 regulation. The commentator asserted that this would not impose any new requirements for existing tanks within these two categories of nuclear-related tanks. IRRC asked the Board to explain why the changes being proposed are needed and how they are consistent with and not more stringent than the Federal regulation on this subject matter.

In its response to these comments, the Department noted that the definition of “underground storage tank” in § 245.1 of this final-form rulemaking retains the proposed deletion in subparagraphs (xiii) and (xviii) of the exclusions for “Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297)” and “An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design

criteria for nuclear power plants.)” Deletion of these existing exclusions is consistent with the Federal definition of “underground storage tank” in 40 CFR 280.12 (relating to definitions) and necessary for the Commonwealth to reapply for State Program Approval from EPA. Also, the proposed amendment to the definition of “underground storage tank” in subparagraph (xiv) to modify the exclusion for a wastewater treatment tank system is retained in this final-form rulemaking. The amended definition clarifies that the exclusion only applies to systems regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C.A. § 1317(b) or § 1342). This existing exclusion is amended to be consistent with the Federal regulations at 40 CFR 280.10(b)(2) (relating to applicability). Modification of this existing exclusion is necessary for the Commonwealth to receive revised State Program Approval from EPA.

The EPA has long regulated these UST systems, and owners and operators have been required to comply with “interim prohibition” requirements pertaining to corrosion protection and compatibility with the regulated substance stored since May 7, 1985. The “interim prohibition” requirements were established in 1984 when Subtitle I was added to the Solid Waste Disposal Act (42 U.S.C.A. §§ 6921—6939g) through the Hazardous and Solid Waste Amendments which authorized the Federal program to regulate USTs. On December 22, 1988, the same “interim prohibition” requirements, along with release response and corrective action requirements, were promulgated in 40 CFR Part 280 Subparts A and F (relating to program scope and installation requirements for partially excluded UST systems; and release response and corrective action for UST systems containing petroleum or hazardous substances). At that time, these UST systems were deferred from Federal regulation with the exception of Subparts A and F. In its July 15, 2015 Final Rule, the EPA maintained its position that these regulated USTs only need to comply with Subparts A and F. To summarize the Federal requirements, these UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored. Further, these UST systems regulated as of December 22, 1988, need to comply with the release response and corrective action requirements in 40 CFR Part 280.

The Department currently excludes these UST systems from regulation but to be as stringent as Federal requirements, will now regulate them. The proposed amendment to § 245.403(a), which states that these USTs must meet the same requirements that all other regulated UST systems must meet, is retained in this final-form rulemaking. Similarly, the proposed amendments to § 245.403(c) are retained, with an amendment added in this final-form rulemaking for these UST systems installed on or after May 7, 1985, to provide that UST owners and operators will not need to comply with §§ 245.411, 245.421(b)(3), 245.421(b)(4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436—245.446. UST owners will not be required to conduct facility inspections, install spill and overfill prevention equipment, check for water in petroleum storage tanks, implement operator training, conduct periodic operation and maintenance walkthrough inspections, or perform release detection.

Although these USTs will be exempt from certain requirements, the Department believes that it is important for owners of these USTs to register the USTs, use Department-certified installers and inspectors, and maintain financial responsibility. These three requirements are specific to Chapter 245 and while considered more strin-

gent than Federal requirements, are beneficial to both the storage tank owner and the Department. These USTs are now regulated and all regulated USTs need to be registered with the Department under existing § 245.41 (relating to tank registration requirements). If the USTs are not registered with the Department, then the Department will not know where these USTs are, the number of these newly regulated USTs, and whether the USTs are in compliance with applicable regulations.

In addition, all regulated USTs in the Commonwealth need to be installed, modified and removed by Department-certified installers. Since UST owners and operators will need to meet the corrective action process requirements of Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties), it follows that the financial responsibility requirements of Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities) will apply. Financial responsibility is met by participating in the Underground Storage Tank Indemnification Fund (USTIF), which provides coverage for corrective action and third-party damages should a release occur. In addition, specifically with regard to Subchapter E (relating to technical standards for underground storage tanks), provisions concerning variances, applicable codes and standards, performance standards for new UST systems, upgrade requirements for existing UST systems, reuse of removed USTs, spill and overfill control, operation and maintenance including corrosion protection, compatibility, repairs allowed, reporting and recordkeeping, and closure, is retained in this final-form rulemaking and will apply to these UST systems. New § 245.403(c)(4) is added in Subchapter E to this final-form rulemaking to clarify that UST systems installed before May 7, 1985, are not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433 and 245.436—245.446.

Subchapter B—Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities

Section 245.132. Standards of performance.

Several commentators expressed concern that the proposed changes to § 245.132(a)(4) and (6) mandate that certified companies, certified installers and certified inspectors report to the Department where a regulated substance is observed in a containment structure or facility. Commentators stated that this type of requirement extends well beyond existing reporting requirements and is divorced from any analysis of whether the presence of a regulated substance in a containment structure is posing a significant threat to the environment. Further, a commentator stated that the proposed rulemaking would require certified installers and inspectors to report to the Department releases, even though the owner or operator would have no reporting obligation under § 245.305(i). IRRC requested that the Board explain the need for and reasonableness of the new language being added to these subsections.

The Department does not believe that the reporting requirements in final-form § 245.132 are overly broad. Existing storage tank regulations require Department-certified individuals to report a release of a regulated substance or suspected or confirmed contamination while performing services as a certified installer or certified inspector. In addition, facility owners and operators are required under § 245.304(a)(1) to perform a suspected release investigation where, for instance, there is a

regulated substance of unknown origin at a facility, even if the facility later determines that spill is ultimately not a reportable release.

While containment structures help to prevent contamination, they do not, alone, completely mitigate the risk of contamination to the environment. Containment structures that comply with § 245.542 help prevent contamination to environmental media. Containment systems, however, may malfunction, may require maintenance, or may be unsupervised for prolonged periods. The Department's proposed amendments of § 245.132(a)(4) and (6) reflect the Department's position that, in the context of reporting a spill, preventing contamination includes addressing the quantity of the spill as well as determining whether the containment structure contained the spill and whether the owner of the facility removed the spill within 24 hours. If the system is damaged—if the integrity of the system is not satisfactory—it is not containing the spill, thus potentially triggering reporting requirements. This is important information, without which the Department cannot perform its oversight duties. While changes from the proposed rulemaking are made in this final-form rulemaking, the essential approach taken in the proposed rulemaking remains the same in this final-form rulemaking.

As previously noted, reporting requirements for Department-certified individuals to report a release of a regulated substance or suspected or confirmed contamination are listed in § 245.132 and are separate from reporting requirements for storage tank owners and operators contained in Subchapter D. The Department retains in this final-form rulemaking the proposed requirement that Department-certified individuals report regulated substances observed in a containment structure or facility. Regulated substances present in a containment structure may or may not be a "release" and may or may not have to be reported to the Department by the storage tank owner or operator. However, for a storage tank owner or operator, the presence of any amount of regulated substance in a containment structure or facility would at a minimum be a suspected release and would require a suspected release investigation under § 245.304. Department-certified individuals provide assurance that owners and operators are complying with regulatory requirements. These Department-certified individuals install, modify, remove and inspect storage tanks and are required to meet standards of performance in the conduct of their work. As part of their standards of performance, the certified individuals are to report information to the Department that a storage tank owner or operator would not need to report. This allows the Department to follow up with a storage tank facility owner or operator to assure the required corrective actions are being taken to protect the public and the environment.

Subchapter D—Corrective Action Process for Owners and Operators of Storage Tanks and Storage Tank Facilities and Other Responsible Parties

Section 245.304. Investigation of suspected releases.

One commentator expressed concern that proposed Section 245.304(a)(6) would classify the discovery of any damage to a storage tank system as an "indication of release." First, the commentator explained that it is unclear whether every "indication of release" is a "suspected release" and therefore triggers the obligation to investigate. Second, the commentator suggested that classifying any "damage to a storage tank system" as an indication of release is overly broad. The commentator

stated that certain types of damage such as peeling paint, dents or surficial rust are not signs of a release. The commentator wrote that, if the existing language in Section 245.304(6), "the discovery of holes in a storage tank," is inadequate to cover conditions presenting a risk of release, then "damage" should be qualified by additional language, such as "damage creating a pathway for a regulated substance from a storage tank system to be released."

IRRC stated that § 245.304(a)(6) is being amended to include the discovery of "damage" to a storage tank system. IRRC noted that a commentator believes this addition is vague and as an example asks if chipped paint would be considered damage. IRRC requested that the Board explain in the preamble how it will implement this provision and clarify § 245.304(a)(6) accordingly in this final-form rulemaking.

In considering these comments, the Department provides clarification in § 245.304(a) in this final-form rulemaking to avoid ambiguity. The proposed addition in § 245.304(a) of the word "suspected" in the phrase "investigation of a suspected release" is carried over into the phrase "indication of a suspected release" in this subsection in this final-form rulemaking. The discovery of damage to a storage tank system is an indication of a suspected release and requires the owner or operator to investigate the suspected release to confirm whether a release of a regulated substance has occurred. The investigation must include a sufficient number of procedures as outlined in § 245.304(b).

The addition in § 245.304(a)(6) of "damage to a" storage tank system as an indication of a release is not overly broad and will not result in unnecessary investigations or recordkeeping requirements. The Department notes that § 245.304(b)(1)—(7) requires an investigation of an indication of a release, including damage to a storage tank system, by one of a number of means, such as checks of equipment, monitoring devices and visual inspections. An investigation does not require every listed analysis. Instead, it requires enough to confirm whether a release occurred. This is important to protect the environment. For instance, if a storage tank owner or operator discovers that damage such as dents or paint peeling has occurred, the owner may perform a visual inspection of the storage tank system and need not pursue further corrective action if the visual inspection confirms that no release has occurred. This approach was included in proposed § 245.304(d), which is deleted in this final-form rulemaking. Subsection 245.304(c) is amended in this final-form rulemaking to incorporate proposed § 245.304(d). Subsection 245.304(c) is also amended in this final-form rulemaking to incorporate language from existing § 245.304(d) to clarify the actions an owner or operator needs to take upon completion of a suspected release investigation, to include when the investigation cannot determine whether or not a release of a regulated substance occurred.

Subchapter E—Technical Standards for Underground Storage Tanks

Section 245.433. Compatibility.

Commentators noted concern with regard to § 245.433(b) and (c). The proposed amendments require owners and operators to demonstrate UST system compatibility when storing alternative fuel blends, biodiesel or biodiesel blended fuel. One commentator stated that the term "alternative fuel blend" is not defined in the proposed amended rule and, therefore, would be subject

to interpretation. The commentator also stated that all diesel fuel may contain some quantity of biodiesel. Therefore, potentially all diesel fuel would be a biodiesel blended fuel. The commentator suggested that the proposed rule should be limited to diesel fuel containing greater than 2% biodiesel. Otherwise, according to the commentator, owners and operators will incur a significant paperwork burden with no added benefit in protecting the environment. Another commentator recommended the Department revise the proposed language of § 245.433 to limit the documentation requirement to petroleum fuel blends containing greater than 10% ethanol and 20% biodiesel and other nonpetroleum regulated materials, as required by Federal regulations.

To improve the clarity of the regulation, IRRC asked that the term “alternative fuel blends” be defined. IRRC also asked for clarification as to whether all diesel fuel would be considered biodiesel fuel. IRRC noted that § 245.433(c) only requires the submittal of information to demonstrate compatibility upon the request of the Department. IRRC asked several questions. How will the Department implement this provision? Under what circumstances would the Department require the information? Would it apply to all USTs? If § 245.433(c) is more stringent than the Federal requirement, what is the need for it?

In consideration of these comments, the Department deletes in this final-form rulemaking the terms “alternative fuel blends,” “biodiesel” and “biodiesel blended fuels” from the amendments that were proposed to § 245.433. Certain proposed reporting requirements remain.

Subsection 245.433(a) in both the proposed and this final-form rulemaking mirrors the requirements of Federal regulations at 40 CFR 280.32(a) (relating to compatibility) and states, “Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.” Section 280.32(b)(1) of the Federal regulations at 40 CFR 280.32(b)(1) requires owners and operators to notify the implementing agency (in this case, the Department) and demonstrate compatibility for any regulated substance. As such, compatibility documentation is to be maintained for all regulated UST systems. Section 245.435 requires regulated UST owners and operators to cooperate fully with Department requests for documentation and retain UST installation documentation for the life of the UST system.

In recognition of the concern that the requirement to submit compatibility information for “alternative fuel blends or biodiesel or biodiesel blended fuel” is subject to interpretation and lacks clarity, and due to the fact that the Department may request an owner or operator to provide compatibility documentation for any regulated substance under § 245.435, the Department amends § 245.433(b) in this final-form rulemaking to require an owner and operator of an underground storage tank to submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank, upon Department request.

Subsection 245.433(c) of this final-form rulemaking provides four ways for UST owners and operators to document compatibility. These are modified slightly from the proposed rulemaking to account for removing the terms “alternative fuel blends” and “biodiesel blended fuels.” Subsection 245.433(c)(2) in this final-form rule-

making requires the manufacturer’s approval to be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer.

By providing several means for a UST owner and operator to provide compatibility documentation for a regulated UST system, the Department is balancing the need to protect the environment with a UST owner and operator’s ability to show compatibility of the UST system with the substance stored. Since compatibility documentation is to be maintained for all regulated UST systems, the proposed wording “Upon Department request” is deleted in this final-form § 245.433(c), and the provision is amended to require that an owner and operator of an underground storage tank system demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of a list of options.

Section 245.435. Reporting and recordkeeping.

One commentator requested that § 245.435 be revised to explicitly state that wherever recordkeeping is required in the regulations, electronic records and documentation are permitted. Many UST owners and operators have modernized many aspects of UST compliance to electronic applications and dispatch systems. As a result, physical paper documentation may not exist. This modernization simplifies archiving, accountability and distribution of information. Additionally, these systems are a benefit to the environment as less paper is consumed.

The Department responded with acknowledgment of the statement regarding the increased use of electronic means for storing and transmitting data. Section 245.435 states what records are required and is for the most part silent on how those records must be stored or submitted to the Department. Records and documentation may be submitted to the Department electronically and will be acceptable to the Department provided that the submission meets the requirements of the regulations.

Subchapter F—Technical Standards for Aboveground Storage Tanks and Facilities

Section 245.514. Security.

Section 245.516. Recordkeeping requirements.

Several commentators requested that the proposed conditions in §§ 245.514(b), 245.516(c)(8), 245.603(c) and 245.615(b)(8) be removed and that the Department continue its existing practice of allowing the storage tank facility to select and implement the security measures that are most appropriate for the facility. These subsections would require owners and operators of AST facilities to maintain a written log book. One commentator noted that the use of a log book containing the proposed information is a best management practice for storage tank owners and operators and most facilities already have a procedure in place for maintaining the requested documentation. One commentator stated that the requirement to keep a detailed log book is burdensome for large facilities with many tanks, especially for the detail required by a log book. A consideration to shift this responsibility to the inspector or installer should be considered. One commentator noted that they have employed the security measures that they feel are appropriate for their facility, including the implementation of a robust system to control facility access. They stated that requiring that a written log book be maintained on top of an already strong access control system is overly burdensome, impractical, unnecessary and would not serve to improve site security. IRRC asked how this provision will be implemented and to implement the least burdensome

alternative for the regulated community while ensuring the proper protection of the environment.

The Department responded that it does not believe that the maintenance of a written log is overly burdensome, impractical or unnecessary, or that it would not serve to improve site security. The use of a log containing the proposed information is a best management practice for storage tank owners and operators. However, it has been the Department's experience that facilities do not have such logs as documented in several enforcement cases. The commentator states that they already implement a robust system to control facility access. Upon further review, they may find that the system already meets the written log requirements. To facilitate compliance with this requirement to maintain a written log, the Department amends §§ 245.514(b), 245.516(c)(8), 245.603(c) and 245.615(b)(8) in this final-form rulemaking to allow the log to be maintained in written or electronic form.

One commentator expressed concern that proposed § 245.516(c)(15) would require documentation of investigations of suspected releases to be maintained for the operational life of the tank system and retained for a minimum of 1 year after the tank system has been permanently closed. Proposed §§ 245.435(d)(22) and 245.615(b)(7) would impose similar requirements. The commentator stated if the investigation of a suspected release reveals that no release occurred, the records are of limited value. Further, they stated that the records are not relevant to any corrective action mandated by the regulation or to any damages to third persons. The commentator recommended that the proposed amendment adding § 245.516(c)(15) and the similar sections previously identified be withdrawn, or the retention period be limited to no more than 6 months. IRRC asked the Board to explain why it needs this information.

The Department responded that it currently requires regulated storage tank owners and operators to investigate an indication of a suspected release. Indications of a suspected release include: presence of a regulated substance or an unusual level of vapors from a regulated substance; unusual operating conditions; and test, sampling or monitoring results, including the sounding of an alarm from a release detection method, which indicates a release. These records are important in understanding the storage tank's operational history when performing required inspections and site assessments and responding to inquiries or complaints from the public. By retaining these records, a regulated storage tank owner may be able to overcome by clear and convincing evidence that the owner did not contribute to the damage, contamination or pollution discovered, under section 1311 of the act (35 P.S. § 6021.1311). The Department respectfully disagrees with the commentator and believes requiring maintenance of records associated with investigating suspected releases is imperative in providing protection for the environment and public health.

Section 245.522. New aboveground tank installations and reconstructions.

One commentator noted that proposed § 245.522(g) would require previously regulated tanks being reactivated to meet new storage tank system requirements which is consistent with existing regulations. However, the commentator requested clarity for tanks being reactivated in shared existing emergency containment areas. The commentator wrote that those containment areas should not be required to be upgraded as a result of activating a tank.

The Department responded that it respectfully disagrees that emergency containment areas should not be required to be upgraded when a tank returns to regulated status. In this final-form rulemaking, the Department deletes proposed § 245.522(g) and amends § 245.542(d)(1) and (2) to clarify the emergency containment requirements based on installation date of the AST.

The intent of § 245.542(d)(1) is to apply to new tank systems, a position the Department has maintained since the provisions were initially promulgated on October 11, 1997. A new tank system includes a tank being returned to regulated status in a shared, existing emergency containment area. In this instance, the emergency containment area must be upgraded to meet the requirements of § 245.542(d)(1).

To provide clarity, the Department amends § 245.542(d)(1) and (2) in this final-form rulemaking to clarify that large ASTs installed after October 11, 1997, must be installed within emergency containment having permeability less than 1×10^{-6} cm/sec.

Section 245.531. General corrosion and deterioration requirements.

A commentator noted that § 245.531(c) (relating to general corrosion and deterioration requirements) currently states that "Existing tank bottoms that do not meet the standards in subsection (b) shall be upgraded when the tank bottom is replaced." Proposed subsection (c) states that tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet § 245.532 and § 245.534 (relating to cathodic protection systems; and interior linings and coatings). The commentator proposes to keep the same requirement in place that is already there or at the very least allow the upgrade to take place at the next "out-of-service" inspection. The commentator notes that the proposed requirement presents a significant burden and potential shutdown of plant operations by requiring immediate upgrades unless this work is performed either when the tank bottom is replaced or scheduled during an "out-of-service" inspection. IRRC asked the Board if the amendments to § 245.531 being proposed are new requirements, and if so, to explain the need for the revisions. If the requirements are new, IRRC asked the Board to quantify the costs associated with the amendments.

The Department responded that § 245.531(a), as proposed, clarifies that AST systems are to be continuously protected from corrosion and deterioration. Subsection 245.531(b), as proposed, clarifies that tank bottoms in direct contact with the soil are to be evaluated by a corrosion expert to determine if cathodic protection is necessary. Subsection 245.531(c), as proposed, clarifies that, "Tank bottoms that are not adequately protected from corrosion and deterioration [which is to be determined by the corrosion expert under § 245.531(b)] shall be upgraded to meet §§ 245.532 and 245.534." These regulatory amendments do not modify existing requirements. Rather the regulatory amendments included in this final-form rulemaking clarify existing requirements under § 245.531. Therefore, no additional costs will be incurred in complying with these amendments. This final-form rulemaking retains these proposed amendments. The Department does not believe it to be prudent or appropriate to allow a large AST to continue to operate knowing that the tank bottom is not protected from corrosion and deterioration. Section 245.531 of this final-form rulemaking allows large ASTs that have tank bottoms that need corrosion protection to be upgraded

through tank bottom replacement, cathodic protection being installed or with a tank liner. Allowing upgrades to be performed only when the tank bottom is scheduled to be replaced or allowing upgrades to wait until the next out-of-service inspection (which could be up to 20 years) is not acceptable, is not in the best interest of the tank owner, and may result in a release of regulated substance to the environment.

Subchapter G—Simplified Program for Small Above-ground Storage Tanks

Section 245.616. Inspection requirements.

Commentators noted that § 245.616(c) (relating to inspection requirements) proposes to have small ASTs storing regulated substances with a capacity of greater than 5,000 gallons and small ASTs storing highly hazardous substances with a capacity greater than 1,100 gallons to conduct in-service inspections every 5 years (previously 10 years) or more often when corrosion, deterioration or other specific conditions necessitate. Two commentators stated that increasing the frequency of small AST inspections is unnecessary when industry tank standards already provide a sound scientific and engineering basis for tank inspection schedules. One commentator stated that these small tanks offer minimal potential environmental harm and requiring more frequent inspections because people are failing to meet the current regulatory obligation is a flawed justification. One commentator believes that this change, which essentially doubles the costs for in-service inspections, does little but penalize facilities that appropriately manage their ASTs for the actions of facilities that do not and imposes an unnecessary financial burden on the tank owner with little environmental benefit. They proposed that the Department continue its existing practice of allowing Department-certified inspectors to manage in-service inspection frequencies on a case-by-case and site-specific basis.

The Department responded that the existing inspection frequency for USTs is once every 3 years, under § 245.411 (relating to inspection frequency). The Department saw a marked improvement in UST facility compliance rates when the UST inspection frequency changed from 5 or 10 years to the existing 3-year inspection cycle. Department inspection records show that less than 50% of ASTs inspected meet existing requirements. The Department strongly believes that a mandated shortened inspection frequency is needed to help improve compliance with these systems. Therefore, the proposed amendments to § 245.616(c) are retained in this final-form rulemaking.

G. Benefits, Costs and Compliance

Benefits

In enacting the act, the General Assembly found and declared the following under section 102(a) of the act (35 P.S. § 6021.102(a)): 1) the lands and waters of this Commonwealth constitute a unique and irreplaceable resource from which the well-being of the public health and economic vitality of this Commonwealth is assured; 2) these resources have been contaminated by releases and ruptures of regulated substances from both active and abandoned storage tanks; 3) once contaminated, the quality of the affected resources may not be completely restored to their original state; 4) when remedial action is required or undertaken, the cost is extremely high; 5) contamination of groundwater supplies caused by releases from storage tanks constitutes a grave threat to the health of affected residents; and 6) contamination of these

resources must be prevented through improved safeguards on the installation and construction of storage tanks.

The General Assembly declared its intent under 35 P.S. § 6021.103 to prevent releases by establishing a regulatory system to contain them and to establish liability for any damages caused. The Department's regulatory structure authorized by the act to prevent releases of regulated substances from storage tanks, as implemented through Chapter 245, provides the important benefits articulated in the General Assembly's findings.

The Department's primary purpose of this final-form rulemaking is to maintain its State Program Approval for its UST program. Incorporation of these UST amendments in this final-form rulemaking into Chapter 245 will enable the Commonwealth to retain approval of its UST program from the EPA and remain eligible for continued substantial Federal funding for the UST program.

In addition, this final-form rulemaking will further reduce the potential for releases of regulated substances from USTs by strengthening the requirements regarding properly operating and maintaining release detection equipment. This final-form rulemaking will require that UST equipment be inspected and tested regularly, which will help to further reduce the number of releases from USTs and in turn protect public health and the environment.

The Department anticipates that a substantial portion of the beneficial impacts associated with this final-form rulemaking will be the improved release detection and reporting, and, consequently, avoided cleanup costs. The EPA, in its analysis of the potential costs, benefits and other impacts associated with its July 15, 2015 Final Rule on pages 4—9 of the regulatory impact analysis found at <https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf>, estimated the typical cost of a small-extent, soil-only remediation to be \$25,300, and the typical cost of a large-extent, groundwater-contamination remediation to be \$428,200. These costs are in 2008 dollars. During calendar year 2017, the average cost per closed claim paid by the USTIF was \$308,389, and the total paid for all open claims was \$33,287,724, as reported at https://ustif.pa.gov/documents/10184/0/2017_PAUSTIF_Annual+Report_Final_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38.

While the reduced cleanup costs associated with this final-form rulemaking cannot be accurately quantified, a decrease in release frequency and severity is expected to result in both a reduction of the average cost per closed claim and the total annual claim payments made by the USTIF. The Department expects that groundwater contamination incidents and vapor intrusion remediation costs will be reduced or avoided as a result of operation and maintenance improvements and release prevention improvements, which will reduce the need for USTIF claims and payments and potentially reduce fees paid by UST owners to fund USTIF. These fees are typically passed on to consumers at motor fuel retail locations. Thus, any decrease in release frequency achieved by this final-form rulemaking will benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

Other benefits of decreasing the frequency of releases from storage tanks that cannot be quantified or monetized include the avoidance of human health risks, protection of ecological receptors, protection of gallons of groundwater each year and avoided property devaluation.

This final-form rulemaking will also benefit storage tank owners and operators, and certified installers and

companies. For example, this final-form rulemaking adds a new UST certification category under § 245.110(b)(2) (relating to certification of installers) to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems, and to perform tests of UST systems required by this final-form rulemaking. Creation of this new certification category will afford UST owners the opportunity to employ individuals who specialize in modifications only, which could save UST owners some of the costs associated with minor modification work and system testing. This “minor modification” certification category will also provide opportunities for existing certified companies to employ individuals who specialize in minor modification work. In addition, it may create an incentive for persons interested in only performing “minor modification” work to become certified and establish their own companies. In either case, the establishment of this new certification category is expected to result in the creation of a significant number of jobs within the certified installer community, which may reduce the cost of UST system testing over time.

The increase in required inspections and testing by storage tank owners is expected to reduce Department costs. For example, this final-form rulemaking requires under § 245.552(d)(5) (relating to in-service inspections) that all ASTs in underground vaults that require an in-service inspection be inspected within 6 months and 12 months of installation and at least every 3 years thereafter due to their history of noncompliance. This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs is shortened under § 245.616(c) from 10 years to 5 years. Based on current in-service inspections, the compliance rate with regulatory requirements is less than 50%. When the facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, the Department observed increased regulatory compliance, fewer releases and a reduction in the severity of releases from USTs, which reduced Department staff time needed to follow-up on noncompliant facilities and corrective action cases.

Compliance costs

In general, this final-form rulemaking requires additional storage tank testing for USTs and inspection of small ASTs and ASTs in vaults, and does not require large-scale investments in equipment or significant changes to operations at the facility level. The only exceptions that may require significant investment are the one-time costs to replace ball float valves following failure of the UST overfill prevention evaluation with alternate overfill prevention equipment and the need to add release detection to those emergency generator USTs that were previously deferred from regulation. See § 245.421(b)(3)(iii) (relating to performance standards for underground storage tank systems) and § 245.403(b)(1)—(3).

These one-time costs apply to a limited number of UST systems. Of the 22,203 existing UST systems regulated in this Commonwealth, 3,306 have ball float valves for overfill prevention and 605 are emergency generator UST systems without a form of release detection.

Many of the changes, especially those related to USTs, are necessary for the Department’s regulations in Chapter 245 to be consistent with Federal requirements for USTs and to retain EPA approval of the State program. Without these amendments, the EPA will not continue to approve the State program and will instead implement

the Federal UST program in this Commonwealth. Therefore, UST owners would incur the increased costs for their UST facilities to comply with 40 CFR Part 280 if Chapter 245 was not amended due to the EPA’s revised regulations for USTs.

Analysis of UST compliance costs

Within this Commonwealth, the Department regulates 7,655 UST facilities, which, in the aggregate, consist of 22,203 UST systems, for an average of 2.90 UST systems per facility. Compliance costs for these new UST regulatory requirements are estimated in this analysis based on a UST facility with 3 UST systems that have the following features: three 10,000-gallon UST systems with two storing gasoline and one storing diesel; 100 feet of piping per UST system; one fill port per UST system; spill prevention equipment at each UST system; two drop tube shut-off devices and one ball float valve for overfill prevention equipment; four dispensers each with an under-dispenser containment sump; one submersible turbine pump sump/tank top sump per UST system; and one automatic tank gauge (ATG) with an ATG probe per UST system.

Costs presented on a facility basis were adjusted for the fact that each UST facility has on average 2.90 UST systems. The Department contacted five Department-certified companies from various regions of this Commonwealth to estimate cost for the various requirements in this final-form rulemaking for the UST facility described in the preceding paragraph. In doing so, the Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs and any necessary waste disposal costs.

The maintenance walkthrough inspection requirement for UST facilities under § 245.438 (relating to periodic operation and maintenance walkthrough inspections) involves a visual inspection of spill prevention equipment and release detection every 30 days and a visual inspection of containment sumps and handheld release detection devices annually. All 7,655 UST facilities are required to conduct 30-day maintenance walkthrough inspections. The 5,806 UST facilities with containment sumps are required to conduct the annual visual inspection. These inspections may be performed by the UST owner, operator or other employee of the UST owner resulting in no cost other than the necessary time to conduct the inspections. However, some UST owners may choose to utilize third-party companies to conduct the maintenance walkthrough inspections. If a UST owner chooses to hire a third-party company, the owner will incur costs. However, this action will be voluntary and is not required by this final-form rulemaking.

Testing of spill prevention equipment and containment sumps and evaluation of overfill prevention equipment at UST facilities is required every 3 years, under § 245.437 (relating to periodic testing). All 22,203 UST systems have overfill prevention equipment and are required to conduct evaluations. Likewise, all UST systems require spill prevention equipment tests. Forty-one percent, or 9,103 UST systems at 3,324 UST facilities, have containment sumps used for interstitial monitoring of piping that will need to be tested. These tests and evaluations will need to be conducted by appropriate certified individuals.

Although the cost for testing and evaluation will only be incurred every 3 years, the costs are estimated on an annualized basis for purposes of this analysis (that is, the testing and evaluation costs are divided by three to estimate the cost per year). The estimated annual cost range and average annual cost for each evaluation or test per facility are summarized as follows:

| <i>Evaluation or Test</i> | <i>Estimated Range of Annual Costs</i> | <i>Estimated Average Annual Cost</i> |
|-------------------------------|--|--------------------------------------|
| Overfill prevention equipment | \$97—\$161 | \$113 |
| Spill prevention equipment | \$89—\$209 | \$127 |
| Containment sump | \$258—\$902 | \$548 |

Based on the estimated average annual cost, the total annualized cost to a UST facility owner for equipment testing and evaluation every 3 years is estimated to range from \$240—\$788. The lower cost will apply to a facility that does not have containment sumps used for interstitial monitoring of piping. Based on these per facility costs, the annualized cost to evaluate and test equipment at all UST facilities is estimated to be \$3,658,752.

This final-form rulemaking prohibits continued use of ball float valves as an option for overfill prevention when these devices need to be replaced. A total of 3,306 UST systems are reported to have ball float valves as the form of overfill prevention. The increased cost to repair a ball float valve or replace a ball float valve with another ball float valve versus providing another form of overfill prevention (for example, shut-off device or alarm) is estimated to range from \$975—\$1,100 with the average cost to be \$1,038. The average cost represents the one-time increased cost to a UST owner for this overfill prevention equipment replacement. Replacement of a ball float valve will only be necessary when the equipment no longer functions as originally designed and fails the 3-year overfill evaluation requirement. Based on the average cost, the total one-time increased cost to replace ball float valves with another form of overfill prevention for all UST systems is estimated to be \$3,431,628.

Annual release detection equipment testing is required by this final-form rulemaking for all 22,203 UST systems. Operability tests will need to be conducted of the electronic and mechanical components of release detection equipment. The annualized cost to a UST facility owner for this release detection testing requirement is estimated to range from \$338—\$1,039, with the average cost to be \$595. Based on the average cost, the annual cost to test release detection equipment at all UST facilities is estimated to be \$4,554,725. These costs are based on an average UST facility consisting of three UST systems and four dispensers. Facilities that have fewer UST systems are expected to have lower costs.

This final-form rulemaking requires release detection for emergency generator USTs. An estimated 605 UST systems are reported as not having any form of release detection. For this analysis, an ATG is used as the form of release detection for these systems and will need to be tested annually for operability, however, other lower cost methods of tank release detection could be chosen by the UST owner depending on type and location of the UST system. The cost for the operability tests for these systems were included in the cost for release detection equipment testing previously described. The cost for the addition of an ATG ranges from \$4,000—\$30,000 with the average estimated cost to be \$16,875. Cost estimates are dependent on several factors, including amount of excavation required to install wiring and conduit, access to the UST system and location of the UST system to utilities and buildings. The average cost represents the one-time cost to a UST owner to add an ATG for release detection. Based on the average cost, the total one-time cost to add release detection to emergency generator USTs is estimated to be \$10,209,375.

The following table and discussion summarizes the total estimated annualized cost that UST facilities will incur for the testing and inspections in this final-form rulemaking when UST owners, operators or other employees of the UST owner conduct all maintenance walkthrough inspections:

| | <i>Annualized Operation and Maintenance Costs¹</i> | <i>One-Time Costs²</i> | <i>Number of Potentially Affected Facilities/Systems</i> | <i>Total Annualized Operation and Maintenance Costs³</i> | <i>Total One-Time Costs⁴</i> |
|---|---|-----------------------------------|--|---|---|
| Maintenance walkthrough inspections | \$0 | \$0 | 7,655 facilities | \$0 | \$0 |
| Periodic testing and inspection of overfill prevention equipment, spill prevention equipment and containment sumps ⁵ | \$240—\$788 | \$0 | 7,655 facilities | \$3,658,752 | \$0 |
| Eliminate ball float valves when overfill prevention equipment is replaced | \$0 | \$1,038 | 3,306 UST systems | \$0 | \$3,431,628 |
| Operability tests for release detection | \$595 | \$0 | 7,655 facilities | \$4,554,725 | \$0 |
| Remove release detection deferral for emergency generator USTs | \$0 | \$16,875 | 605 UST systems | \$0 | \$10,209,375 |
| | \$835—\$1,383 | | | \$8,213,477 | \$13,641,003 |

¹ Per UST facility.

² Per UST system. One-time costs do not apply to all UST systems.

³ For all UST facilities.

⁴ For all UST systems. One-time costs do not apply to all UST systems.

⁵ The lower range of the annualized operation and maintenance costs is for facilities that do not have containment sumps used for interstitial monitoring of piping.

The annualized increased operation and maintenance costs to conduct maintenance walkthrough inspections, inspect overfill prevention equipment, test spill prevention equipment and containment sumps, and test release detection equipment per UST facility is estimated to range from \$835—\$1,383. The total annualized increased costs for these inspections and tests at all UST facilities are estimated to be \$8,213,477.

The total one-time costs to replace all ball float valves with alternate overfill prevention equipment and to add release detection to emergency generator USTs is estimated to be \$13,641,003. These one-time costs apply to a limited number of UST systems. Currently, 3,306 UST systems (less than 15%) have ball float valves for overfill prevention and 605 UST systems (less than 3%) are emergency generator USTs that will need to add release detection equipment. Owners of emergency generator UST systems will be afforded 1 year to 2 years under this final-form rulemaking to make an informed decision to either add the necessary release detection, close the UST system or close the UST system and install a new AST.

Analysis of AST compliance costs

As with UST systems, the primary focus of this final-form rulemaking for AST systems is on an increased inspection frequency for small ASTs and ASTs in vaults. The Department contacted five Department-certified companies from various regions of this Commonwealth to estimate the increased cost to AST owners for the revised inspection requirements. In doing so, the Department requested the companies to provide cost estimates to include paperwork fees.

This final-form rulemaking requires all ASTs in underground vaults that require an in-service inspection to be inspected within 6 months and 12 months of installation and at least every 3 years thereafter. ASTs with a capacity greater than 5,000 gallons, and ASTs storing highly hazardous substances with a capacity greater than 1,100 gallons, are subject to these inspection requirements.

Currently, no large ASTs in underground vaults are registered with the Department and 35 small AST systems in underground vaults will need to increase inspections from once every 10 years to once every 3 years. These small ASTs have an average size of approximately 10,000 gallons.

The reported annualized cost range for an in-service inspection of a vaulted AST every 10 years, as currently required, is \$78 to \$315, and the average annualized cost is \$179. The estimated annualized cost range for an in-service inspection of a vaulted AST every 3 years is \$260 to \$1,050, and the estimated average annualized cost is \$595. Thus, the annualized increased cost to a AST owner of a vaulted AST for an in-service inspection every 3 years is estimated to be \$416. The total annualized increased cost to all AST owners who will be subject to the 3-year inspection requirement is estimated to be \$14,560.

This final-form rulemaking also shortens the initial inspection requirement and in-service inspection cycle for small ASTs (other than small ASTs in underground vaults) from 10 years to 5 years. This requirement applies to small ASTs with a capacity greater than 5,000 gallons, and small ASTs with a capacity greater than 1,100 gallons that store highly hazardous substances. An estimated 6,756 small ASTs with an average size of 11,400 gallons will need to increase their inspections to every 5 years under this final-form rulemaking.

The reported annualized cost range for an in-service inspection of a small AST every 10 years, as currently required, is \$44 to \$200, and the average annualized cost is \$98. The estimated annualized cost range for an in-service inspection of a small AST every 5 years is \$88 to \$400, and the estimated average annualized cost is \$196. Thus, the annualized increased cost to a AST owner of a small AST for the 5-year inspection period is estimated to be \$98. The total annualized increased cost to all AST owners who will be subject to the 5-year inspection period is estimated to be \$662,088.

The following table summarizes the estimated increased annualized costs previously discussed that will be incurred by AST system owners under this final-form rulemaking:

| | <i>Annualized Operation and Maintenance Costs</i> | <i>One-Time Costs</i> | <i>Number of Potentially Affected Systems</i> | <i>Total Annualized Operation and Maintenance Costs</i> | <i>Total One-Time Costs</i> |
|---|---|-----------------------|---|---|-----------------------------|
| Increased inspection frequency for vaulted ASTs | \$416 | \$0 | 35 AST systems | \$14,560 | \$0 |
| Increased inspection frequency for small ASTs | \$98 | \$0 | 6,756 AST systems | \$662,088 | \$0 |
| | | \$0 | | \$676,648 | \$0 |

Additional compliance costs associated with this final-form rulemaking that cannot be estimated are the costs to UST systems that were previously excluded from the definition of a UST, but are subject to Chapter 245 under this final-form rulemaking (for example, tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954, wastewater treatment tank systems that are not part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act, and UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commis-

sion (NRC) under 10 CFR Part 50, Appendix A). In addition, existing field-constructed USTs installed on or before October 11, 1997, are regulated under § 245.403 of this final-form rulemaking.

The number of USTs in these categories that will be subject to Chapter 245 under this final-form rulemaking is unknown because they are not currently required to be registered with the Department. Registration will be required within 60 days after the effective date of this final-form rulemaking. Field-constructed USTs installed on or before October 11, 1997, are temporarily excluded from other regulatory requirements in Chapter 245 until

1 year after the effective date of this final-form rulemaking. Upon registration of a UST that was previously excluded from regulation, the Department will work with the tank owner to bring the UST into regulatory compliance. Due to the unique nature of these USTs, the steps that will be necessary to bring the USTs into compliance are expected to vary widely. Thus, compliance costs associated with the regulation of this universe of USTs cannot be estimated.

USTs containing radioactive material and emergency generator UST systems at nuclear power generation facilities regulated by the NRC are subject to United States Department of Energy Orders and NRC regulations that are comparable to the Chapter 245 requirements for new and existing USTs regarding spill and overflow control, operation and maintenance of corrosion protection, and release detection. Since owners and operators of these UST systems had to meet Federal requirements dating back to May 7, 1985, that required systems to be designed and constructed to prevent releases during the operating life of the facility due to corrosion or structural failure, these systems should already be in compliance with most requirements and therefore incur minimal additional costs.

Analysis of Department costs

Under this final-form rulemaking, the Department will incur minimal additional costs to publish notices in the *Pennsylvania Bulletin* for the following: acknowledgment of receipt of the remedial action plan under § 245.311 (relating to remedial action plan); notice of the Department's final action on the remedial action plan under § 245.313(c) (relating to remedial action completion report); acknowledgment of receipt of the remedial action completion report under § 245.313(c); notice of the Department's final action on the remedial action completion report under § 245.313(c); and notice of variances approved by the Department under §§ 245.503(6) and 245.606(6) (relating to variances). No additional central or regional office program staff are needed to implement these regulatory amendments. No new data system requirements are required.

Compliance assistance plan

As previously noted, this final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by this final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. Federal, State and local government owners of regulated storage tanks will also be affected.

Department-certified storage tank installers, inspectors and companies will also need to comply with this final-form rulemaking. Nearly 875 individuals and approximately 350 companies have certifications from the Department under Chapter 245. It is anticipated that Department-certified tank installers and inspectors will have the capacity to provide the increased testing and inspections that will be required by this final-form rulemaking. This is especially true with the addition of a new certification category for minor modifications to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems. With this new certification, individuals will also be able to perform tests of UST systems required by this final-form rulemaking.

The visual inspection of spill prevention and release detection equipment, containment sumps and handheld

release detection devices could be performed by the UST owner, operator or other employee of the UST owner. However, UST owners may choose to utilize a third-party company to conduct the maintenance walkthrough inspections.

Owners of existing storage tank systems will be provided with adequate timeframes to adjust and comply with the new requirements. Owners of storage tank systems installed on or after the effective date of this final-form rulemaking shall comply with the requirements immediately.

Financial assistance is not anticipated or planned. The Department will provide technical and compliance assistance outreach through its website, publications, forms and presentations to various industry groups and organizations. Webinars explaining the regulatory amendments are also planned.

Paperwork requirements

This final-form rulemaking includes the following new notification, reporting and other paperwork requirements:

- Certified installers and inspectors will need to report regulated substance observed in a containment structure or facility within 48 hours on a form provided by the Department. See § 245.132(a)(6).
- Certified installers and inspectors will need to report failed tests of UST spill prevention equipment, containment sumps, and overflow prevention equipment within 48 hours on a form provided by the Department. A copy of the test results will also need to be provided to the Department with the notification report. See § 245.132(a)(6).
- If a suspected release investigation fails to determine whether or not a release of a regulated substance has occurred, owners and operators will need to report the suspected release within 15 days of the indication of a suspected release on a form provided by the Department. See § 245.304(c)(2).
- If a suspected release investigation confirms that a release has not occurred, and removal of the regulated substance cannot be accomplished within 24 hours, owners and operators will need to immediately notify the Department by telephone or electronic mail. See § 245.304(c)(3).
- Responsible parties will need to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours after the initiation of interim remedial actions in response to a release. See § 245.306(e) (relating to interim remedial actions).
- Responsible parties will need to notify the Department, by telephone or electronic mail, within 24 hours of providing an alternate source of water to the owner of an affected or diminished water supply in response to a release. See § 245.307(e) (relating to affected or diminished water supplies).
- Responsible parties will need to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours after the initiation of site characterization activities in response to a release. See § 245.309(c)(24) (relating to site characterization).
- The Department will need to publish an acknowledgment of receipt of the remedial action plan and notice of its final action on the plan in the *Pennsylvania Bulletin*. See § 245.311.
- The Department will need to publish an acknowledgment of receipt of the remedial action completion report

and notice of its final action on the report in the *Pennsylvania Bulletin*. See § 245.313(c).

- Owners and operators will need to notify the Department of the proposed installation of specific UST system components such as the piping system and dispenser, and not just when a tank or tank system is being installed, on a form provided by the Department. See § 245.421(a)(2).

- Certified installers and inspectors will need to document tests or evaluations of UST spill prevention and overfill prevention equipment, containment sumps, and release detection equipment on a form provided by the Department. Owners and operators will need to maintain test or evaluation results onsite at the storage tank facility or at a readily available alternative site and shall provide the forms to the Department upon request. See § 245.31(f) (relating to underground storage tank system testing requirements) and § 245.435(a) and (b).

- Surveys of UST cathodic protection systems will need to be documented on a form provided by the Department and must be provided to the Department upon request. See § 245.432(a)(2)(iii).

- Upon Department request, owners and operators will need to submit, on a form provided by the Department, information verifying that all system components are compatible with the proposed substance to be stored, prior to storing the substance in the UST. See § 245.433(b).

- Owners and operators will need to maintain documentation showing that their UST systems are continuously participating in the USTIF. See § 245.435(d)(9).

- Owners and operators will need to maintain documentation of the last test of UST spill prevention equipment and containment sumps used for interstitial monitoring of piping and evaluation of overfill prevention equipment. See § 245.435(d)(19).

- For containment sumps used for interstitial monitoring of piping and spill prevention equipment not required to be tested, UST owners and operators will need to maintain documentation showing that the equipment is double-walled and the integrity of both walls is periodically monitored. See § 245.435(d)(20).

- UST owners and operators will need to maintain records of walkthrough inspections for the past 12 months. See § 245.435(d)(21).

- Owners will need to ensure that Class A, Class B and Class C operators are identified on a form provided by the Department prior to placing the UST system into use. See § 245.436(d)(1) (relating to operator training).

- Owners and operators of AST facilities with an aggregate aboveground storage capacity greater than 21,000 gallons will need to maintain a written or electronic log. Each log entry will need to identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times and a brief description of work performed, including tank identification. See §§ 245.514(b) and 245.603(c).

- In addition to routine monthly inspections, AST owners and operators will need to maintain 72-hour maintenance inspections for the past 12 months. See § 245.516(c)(12).

- AST owners and operators will need to maintain documentation of investigations of suspected releases. See §§ 245.516(c)(15) and 245.615(b)(7).

- AST owners and operators will need to maintain the results of testing from the last two cathodic protection surveys and the results of the last three impressed current cathodic protection system checks for each 60-day period. See §§ 245.516(c)(11) and (16) and 245.615(b)(9) and (10).

- Should a high-level alarm with a manned operator shutdown procedure be utilized, owners and operators of ASTs will need to document the shutdown procedure and provide it to the Department upon request. See § 245.541(b)(2) (relating to overfill prevention requirements).

- When an overfill alarm or prevention device or monitoring gauge is utilized, owners and operators of ASTs will need to document the shutdown procedure. See § 245.612(d)(2) (relating to performance and design standards).

The following new forms will be used to implement this final-form rulemaking:

- Underground Storage Tank Groundwater/Vapor Monitoring System Functionality Testing Form

- Underground Storage Tank Sensor Functionality Testing Form

- Underground Storage Tank Automatic Line Leak Detector Functionality Testing Form

- Underground Storage Tank Pressure/Vacuum Monitoring Functionality Testing Form

- Underground Storage Tank Spill Prevention Equipment/Containment Sump Integrity Testing Form

- Underground Storage Tank Automatic Tank Gauge Functionality Testing Form

- Underground Storage Tank Overfill Prevention Evaluation Form

- Aboveground Storage Tank Lining Inspection Summary and Instructions

The following existing forms are revised to implement this final-form rulemaking:

- Underground Storage Tank Facility Operations Inspection Report Form Instructions (2630-FM-BECB0501)

- Underground Storage Tank Facility Operations Inspection (2630-FM-BECB0501a)

- Underground Storage Tank System Installation/Closure Notification Form (2630-FM-BECB0127)

- Planning for Permanent Closure Checklist—Underground Storage Tank Systems (2630-FM-BECB0126)

- Underground Storage Tank Modification Report (2630-FM-BECB0575)

- Underground Storage Tank System Closure Report Form (2630-FM-BECB0159)

- Aboveground Storage Tank Integrity/Installation Inspection Summary and Instructions (2630-FM-BECB0150)

- Aboveground Storage Tank System Closure Report Form (2630-FM-BECB0514)

- Planning for Permanent Closure Checklist—Aboveground Storage Tank Systems (2630-FM-BECB0512)

- Aboveground Storage Tank System Closure Notification Form (2630-FM-BECB0513)

- Notification of Release/Notification of Contamination (2620-FM-BECB0082)
- Storage Tanks Registration/Permitting Application Form and Instructions (2630-PM-BECB0514)
- Storage Tank Installer/Inspector Certification Application Form and Instructions (2630-PM-BECB0506)
- Storage Tank Training Course Approval Application and Instructions (2630-PM-BECB0402)
- Storage Tank Site-Specific Installation Permit Application Instructions (2630-PM-BECB0002)
- Initial Qualifications—Storage Tank Installer and Inspector Certification (2630-PM-BECB0506b)
- Renewal Qualifications—Storage Tank Installer and Inspector Certification (2630-PM-BECB0506b2)
- Instructions—Storage Tank Installer and Inspector Certification—Attachment A (2630-PM-BECB0506c)

The following form is deleted under this final-form rulemaking and is being incorporated into the Aboveground Storage Tank Integrity/Installation Inspection Summary and Instructions (2630-FM-BECB0150):

- Aboveground Storage Tank Installation Inspection Summary (2630-FM-BECB0602).

While this final-form rulemaking adds additional notification, reporting and recordkeeping requirements, some of the notification is simply verbal or electronic notification. Where information is required to be documented, the Department is providing a significant number of forms to facilitate compliance with the various requirements. Most of the forms will be completed by Department-certified installers and inspectors who will be instructed by Department staff on how to complete them. Department-certified installers and inspectors often request standardized forms from the Department so that they are fully aware of what the Department expects to be reported. Having standardized forms, completed by certified installers and inspectors, should limit the time and expense required to fill them out.

With regard to verbal or electronic notification requirements, a responsible party will need to notify the Department either verbally or electronically (such as by telephone or e-mail) upon initiation of an interim remedial action, within 24 hours of providing an alternate source of water to an affected water supply owner, and within 24 hours of initiation of site characterization activities in response to a release of a regulated substance from a storage tank, under §§ 245.306(e), 245.307(e) and 245.309(c)(24). The first corrective action report required to be submitted by the responsible party is the site characterization report, required under § 245.310 (relating to site characterization report). It is to be submitted to the Department after the responsible party takes interim remedial actions, provides an alternate source of water (if necessary) and completes site characterization activities. Therefore, it is important for the Department to know in a timely manner that these required corrective actions are taking place. Interim remedial actions, when conducted properly and promptly, limit the extent and severity of contamination, thereby limiting the amount of site characterization that needs to be performed and further remedial action that needs to be conducted. The result is protection of the public and the environment, and a reduction in the cost of corrective action to storage tank owners and operators.

In addition, if a suspected release investigation confirms that a “release” has not occurred, and removal of

the regulated substance cannot be accomplished within 24 hours, owners and operators will need to immediately notify the Department by telephone or e-mail. An example is a spill of a hazardous substance to an aboveground surface in an amount less than the reportable quantity that cannot be fully removed within 24 hours.

The Department anticipates that costs associated with these additional verbal or electronic notification requirements should be minimal because the owner, operator or consultant is typically communicating with the Department at this point and informing the Department when actions that have been proposed are initiated.

The vast majority of the reporting requirements will be handled by Department-certified installers and inspectors, as well as by consultants. The Department is providing the necessary forms to facilitate compliance with the various requirements. Department-certified installers and inspectors, as well as consultants welcome these forms and will be instructed by Department staff as to how to complete them. The vast majority of reporting forms associated with this final-form rulemaking are existing forms that have undergone minor revisions. Completion of these revised forms will result in no additional cost to the regulated community. The few new forms that have been developed are testing and evaluation forms that are necessary to record the results of the new periodic UST testing requirements established in § 245.437 to meet the Federal requirements of ensuring that installed equipment for release detection and prevention is operating properly. The Department contacted five Department-certified companies from various regions of the Commonwealth to provide cost estimates for the various testing requirements. The Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs and any necessary waste disposal costs. Therefore, the costs presented in Section G of the preamble and Item 19 of the Regulatory Analysis Form to this final-form rulemaking for the new UST testing requirements are inclusive of the reporting requirements.

With regard to the new recordkeeping requirements, the vast majority of the documentation that owners and operators will need to maintain is necessary to comply with the new Federal UST requirements. However, in general, the records are important because review of storage tank system records is necessary for Department-certified inspectors to determine compliance with regulatory requirements. Department-certified inspectors are required to periodically inspect ASTs and UST facilities, under §§ 245.411, 245.551—245.554, and 245.616. Record review is an integral part of the inspection. Without the records, inspectors would not be able to determine regulatory compliance. In fact, the absence of required records means that a storage tank system is in noncompliance with regulatory requirements. A storage tank system that is noncompliant is at risk for releases which may impact the public and the environment. While the Department cannot quantify the costs associated with the maintenance of additional records, any costs should be minimal.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly ma-

terials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

The primary purpose of this final-form rulemaking is to strengthen the UST requirements by increasing the emphasis on properly operating and maintaining equipment. The amendments require that UST equipment be operated and maintained properly, which will help to further reduce the number of releases from USTs and in turn protect public health and the environment.

This final-form rulemaking also will require all ASTs in underground vaults that require an in-service inspection to be inspected within 6 months and 12 months of installation and at least every 3 years thereafter due to their history of noncompliance. This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs will be shortened from 10 years to 5 years. Based on current in-service inspections, the compliance rate with regulatory requirements is less than 50%. The facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, which has resulted in increased regulatory compliance. Increased compliance with these regulatory requirements will mean fewer releases and a reduction in the severity of releases from ASTs.

I. *Sunset Review*

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 13, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 1101, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act, on October 17, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 18, 2018, and approved this final-form rulemaking.

K. *Findings of the Board*

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 48 Pa.B. 1101, 1130 (February 24, 2018).

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

L. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 245 is amended by adding §§ 245.437, 245.438, 245.606, 245.617 and 245.618, deleting §§ 245.107, 245.211, 245.212, 245.221, 245.423 and 245.614 and amending §§ 245.1, 245.21, 245.31, 245.41, 245.42, 245.102, 245.105, 245.106, 245.108, 245.110—245.114, 245.121, 245.123, 245.132, 245.141, 245.203, 245.222, 245.231—245.236, 245.301—245.307, 245.309—245.313, 245.402—245.404, 245.411, 245.421, 245.422, 245.432—245.436, 245.441—245.446, 245.451, 245.452, 245.501, 245.503, 245.505, 245.511—245.516, 245.521—245.526, 245.531—245.534, 245.541—245.543, 245.551—245.554, 245.561, 245.562, 245.603, 245.605, 245.611—245.613, 215.615, 215.616, 245.704 and 245.708 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

PATRICK McDONNELL,
Chairperson

(*Editor's Note:* See 48 Pa.B. 7085 (November 3, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal note 7-530 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

Subchapter A. GENERAL PROVISIONS GENERAL

§ 245.1. Definitions.

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

* * * * *

Aboveground storage tank—One or a combination of stationary tanks with a capacity in excess of 250 gallons, including the underground pipes and dispensing systems connected thereto within the emergency containment area, which is used, will be used or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area and tanks being constructed or installed for regulated use. The term does not include the following, or pipes connected thereto:

* * * * *

(viii) Tanks regulated under 58 Pa.C.S. Chapter 32 (relating to development) used to store brines, crude oil, drilling or frac fluids and similar substances or materials and are directly related to the exploration, development or production of crude oil or natural gas.

* * * * *

(ix) Other tanks excluded by regulations promulgated under the act.

Aboveground storage tank system—An aboveground storage tank, connected piping and ancillary equipment within the emergency containment area, and emergency and secondary containment.

Act—The Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Adjacent—Next to or contiguous with.

* * * * *

Cathodic protection tester—A person who can demonstrate an understanding of the principles and measurements of common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, the person shall have documented education and experience in soil resistivity, stray current, structure to soil potential and component electrical isolation measurements of buried metal piping and tank systems.

Certification categories—

(i) Individual certification categories issued to certified installers or certified inspectors to perform tank handling, tightness testing or inspection activities on aboveground or underground storage tank systems and facilities.

(ii) The term includes category specific certifications in one or more of the following:

* * * * *

(B) Storage tank installer certification categories:

* * * * *

(IX) UMX—Underground storage tank system installation and modification.

(X) UMI—Underground storage tank system minor modification.

(XI) UTT—Underground storage tank system tightness tester.

(XII) UMR—Underground storage tank system removal.

Certified company—An entity, including a sole proprietorship, a partnership or a corporation, which is certified by the Department and employs certified installers or certified inspectors to conduct tank handling activities, tightness testing activities or inspection activities.

Certified inspector—A person certified by the Department to conduct inspections of tanks or storage tank facilities and who may conduct environmental audits. A certified inspector may not be an employee of a tank owner.

Certified installer—A person certified by the Department to install, modify or remove storage tanks. A certified installer may be an employee of a tank owner.

* * * * *

Containment structure or facility—Anything built, installed or established and designed to contain regulated substances that are spilled, leaked, emitted, discharged, escaped, leached or disposed from a storage tank or storage tank system, including a vault, a dike, a wall, a building or secondary containment.

Containment sump—A liquid-tight container designed to protect the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single-walled or secondarily contained and located at the top of the tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump) or at other points in the piping run (transition or intermediate sump).

Corrective action—

* * * * *

De minimis—With regard to products containing regulated substances, the term applies when the regulated substance is of insufficient concentration to be required to appear on a Safety Data Sheet (SDS). The term does not apply to section 507 of the act (35 P.S. § 6021.507) as it pertains to site contamination.

* * * * *

Environmental audit—Activities which may be conducted by a certified inspector to evaluate the storage tank system or storage tank facility site, equipment and records to determine evidence of an actual or possible release of regulated substance.

Environmental covenant—A servitude arising under an environmental response project which imposes activity and use limitations under 27 Pa.C.S. §§ 6501—6517 (relating to Uniform Environmental Covenants Act).

Environmental media—Soil, sediment, surface water, groundwater, bedrock and air.

Excavation zone—The volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

Exempt underground storage tank—An underground storage tank which has been exempted by regulation from participation in USTIF.

Existing underground storage tank system—An underground storage tank system used to contain an accumulation of regulated substances for which installation has either started or been completed in accordance with this chapter. Installation is considered to have started if the following apply:

* * * * *

Hazardous substance storage tank system—

(i) A storage tank system that contains a hazardous substance defined in section 101(14) of CERCLA (42 U.S.C.A. § 9601(14)).

(ii) The term does not include a storage tank system that contains a substance regulated as a hazardous waste under sections 3001—3024 of the Solid Waste Disposal Act (42 U.S.C.A. §§ 6921—6939g), or mixture of the substances and petroleum, and which is not a petroleum system.

* * * * *

Hydraulic lift tank—A tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators and other similar devices.

Immediate threat of contamination—Spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance from a storage tank into a containment structure or facility in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602) and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum into a liquid-tight containment sump or emergency containment structure in an amount less than 25 gallons as a result of a tank handling activity unless the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.

In-service inspection—A scheduled aboveground storage tank external inspection to determine tank system serviceability and compliance with requirements in this chapter and applicable industry standards. This inspection shall be conducted by a Department-certified aboveground storage tank inspector. The tank system may be in operation during this inspection.

* * * * *

Install—Activities to construct, reconstruct or erect to put into service a storage tank, a storage tank system or storage tank facility.

Intrafacility piping—A common piping system serving more than one storage tank system within a storage tank facility.

* * * * *

Minor modification—

(i) An activity to upgrade, repair, refurbish or restore all or part of an existing storage tank system or storage tank facility which does not alter the design of that storage tank system or storage tank facility, but which may affect the integrity of that storage tank system or storage tank facility.

(ii) The term does not include an activity directly affecting the tank portion of the storage tank system or an activity directly affecting an underground component of the storage tank system.

Modify—To conduct an activity that constitutes a major modification or a minor modification.

Monitoring system—A system capable of detecting releases in connection with an aboveground or underground storage tank.

Motor fuel—A complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances such as motor gasoline blended with alcohol.

* * * * *

Pipeline facilities (including gathering lines)—New and existing pipe rights-of-way and associated equipment, facilities or buildings.

* * * * *

Reconstruction—The work necessary to reassemble a storage tank that has been dismantled and relocated to a new location.

Regulated substance—

An element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health, welfare or the environment which is one of the following:

(i) A substance defined as a hazardous substance in section 101(14) of CERCLA, including hazardous substances that are liquid or gaseous, or suspended therein regardless of holding temperature, but not including a substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6921—6931).

(ii) Petroleum, including crude oil or a fraction thereof and petroleum hydrocarbons which are liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute), including oil, petroleum, petroleum mixed with ethanol, fuel oil, oil sludge, oil refuse, oil mixed with other nonhazardous wastes and crude oils, gasoline and kerosene.

(iii) Other substances determined by the Department by regulation whose containment, storage, use or dispensing may present a hazard to the public health and safety or the environment, but not including gaseous substances used exclusively for the administration of medical care. This includes the following other regulated substances:

(A) Nonpetroleum oils including biodiesel; synthetic fuels and oils, such as silicone fluids; tung oils and wood-derivative oils, such as resin/rosin oils; and inedible seed oils from plants, which are liquid at standard conditions of temperature and pressure. The requirements in this chapter for petroleum tanks in subparagraph (ii) apply for this group of substances.

(B) Pure ethanol intended for blending with motor fuel. The requirements in this chapter for petroleum tanks in subparagraph (ii) apply.

Release—Spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into surface waters and groundwaters of this Commonwealth or soils or subsurface soils in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602), and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater.

Release detection—The determination, through a method or combination of methods, whether a release of a regulated substance has occurred from a storage tank system into the environment or into the interstitial space between the storage tank system and its secondary containment around it.

Remediation standard—The background, Statewide health or site-specific standard, or any combination thereof, as provided for in the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Removal—Activities involving removal of storage tank system components, ancillary equipment and appurtenances. The term includes removal from service activities when a storage tank or storage tank system is removed, but excludes site assessment activities.

Removal from service—The term includes the following:

(i) Activities related to rendering a storage tank system permanently unserviceable. Activities include the oversight of the proper draining and cleaning of the storage tank system of product liquids, vapors, accumulated sludges or solids, and completing one of the following:

(A) Leaving the storage tank system in the ground and filling the tank with inert, solid material.

(B) Dismantling or removing the storage tank system from the tank site.

(ii) Closure-in-place and permanent closure.

(iii) Site assessment activities required under Subchapter E (relating to technical standards for underground storage tanks) and applicable State law, which are the responsibility of owners and operators, but are not conducted by certified installers or inspectors.

Repair—An activity that restores to original operating condition a tank, piping, spill prevention equipment, overflow prevention equipment, corrosion protection equipment, release detection equipment or other storage tank system component that has failed to function properly.

Residential tank—A tank located on property used primarily for dwelling purposes.

* * * * *

Solid Waste Management Act—The Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Spill prevention equipment—A liquid-tight container placed around the fill pipe or fill port riser of a storage tank designed to capture any product that may spill when the delivery hose is disconnected including a catchment basin, spill containment bucket or spill containment box.

Spill prevention response plan—Emergency plans and procedures developed by an aboveground storage tank or tank facility owner, operator, or both, for response to an accident or spill on the facility by facility personnel or contractors.

Stationary tank—An aboveground storage tank that is permanently affixed to the real property on which the tank is located.

Storage tank—An aboveground or underground storage tank which is used for the storage of a regulated substance.

Storage tank facility—One or more stationary tanks, including associated intrafacility pipelines, fixtures, monitoring devices and other equipment. A facility may include aboveground tanks, underground tanks or a combination of both. For the purposes of the act and this part,

the associated intrafacility pipelines, fixtures, monitoring devices and other equipment for an aboveground storage tank shall be that which lies within the emergency containment area. The term storage tank facility does not encompass portions of a facility that do not contain storage tank systems.

Storage tank system—All or part of an underground or aboveground storage tank, associated underground or aboveground piping directly serving that storage tank, and one or more of the following which are directly associated with that storage tank:

* * * * *

Tank handling activities—Activities to install, modify, perform change-in-service or close all or part of a storage tank system or storage tank facility. The term does not include maintenance activities.

* * * * *

Underground storage tank—One or a combination of tanks (including underground pipes connected thereto) which are used, were used or will be used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term includes tanks being constructed or installed for regulated use. The term does not include:

(i) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(ii) Tanks used for storing heating oil for consumptive use on the premises where stored unless they are specifically required to be regulated by Federal law.

(iii) A septic or other subsurface sewage treatment tank.

(iv) A pipeline facility (including gathering lines) which is one of the following:

(A) Regulated under 49 U.S.C.A. §§ 60101—60141.

(B) An intrastate pipeline facility regulated under state laws as provided in 49 U.S.C.A. §§ 60101—60141 and which is determined by the Secretary of the United States Department of Transportation to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline.

(v) An interstate pipeline facility regulated under State laws comparable to the provisions of law in subparagraph (iv).

* * * * *

(xii) An underground storage tank system with capacity of 110 gallons or less.

(xiii) A wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342).

(xiv) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(xv) An underground storage tank system that contains a de minimis concentration of regulated substances.

(xvi) An emergency spill or overflow containment underground storage tank system that is expeditiously emptied after use.

(xvii) Other tanks excluded by policy or regulations promulgated under the act.

* * * * *

TANK HANDLING AND INSPECTION ACTIVITIES

§ 245.21. Tank handling and inspection requirements.

(a) Tank handling activities shall be conducted by a certified installer except in the case of modification to an aboveground nonmetallic storage tank, which may be modified by the tank manufacturer. Storage tank facility owners and operators shall use persons who are Department-certified to conduct tank handling activities except as noted in this subsection. The certified installer shall perform the tank handling activity or provide direct onsite supervision and control of the activity.

(b) Tank handling activities conducted on all aboveground field constructed storage tank systems and tank handling activities conducted on all aboveground storage tank systems having a capacity greater than 21,000 gallons shall be inspected by a certified inspector, except in the case of a minor modification or removal from service.

* * * * *

TESTING ACTIVITIES

§ 245.31. Underground storage tank system testing requirements.

(a) Tightness testing activities shall be conducted by a Department-certified underground storage tank system tightness tester (UTT), except when performed by an owner or operator using installed automatic tank gauging or monitoring equipment meeting requirements in § 245.444(2) and (3) (relating to methods of release detection for tanks).

(b) Tightness testing shall be conducted in accordance with equipment manufacturer's written instructions and using the recommended written practices, procedures and established test method protocols developed by the sources in § 245.132(a)(1) (relating to standards of performance).

(c) A failed valid tightness test will, regardless of the test method, constitute a suspected release, except as provided in § 245.304(b) (relating to investigation and reporting of suspected releases). A failed valid tightness test conducted as part of an investigation of a suspected release constitutes a confirmed release.

(d) A complete written test report shall be provided to the tank owner as documentation of test results within 20 days of the test. The test methodology, a certification that the test meets the requirements in § 245.444(2) or § 245.445(2) (relating to methods of release detection for piping), and sufficient test data, which were used to conclude that the underground storage tank system passed or failed the tightness test, shall be included in the test report.

(e) Certified underground storage tank system tightness testers (UTT) shall maintain complete records of tightness testing activities for a minimum of 10 years as provided in § 245.132(a)(3) (relating to standards of performance).

(f) Tests or evaluations of spill prevention and overflow prevention equipment, containment sumps and release detection equipment required under this chapter shall be performed by a Department-certified individual holding the appropriate certification category and documented on

a form provided by the Department. Results shall be maintained onsite at the storage tank facility or at a readily available alternative site and shall be provided to the Department upon request.

TANK REGISTRATION AND FEES

§ 245.41. Tank registration requirements.

(a) Tank owners shall properly register each storage tank by meeting the requirements in this section and paying the registration fee prior to registration certificate expiration as required by § 245.42 (relating to tank registration fees).

(b) Tank owners shall register each aboveground storage tank and each underground storage tank with the Department, except as specifically excluded by Department policy or this chapter, on a form provided by the Department, within 30 days after installation or acquisition of an ownership interest in the storage tank. Unless otherwise approved by the Department, a regulated substance may not be placed in the tank and the tank may not be operated until the tank is properly registered and the Department approves an operating permit for the tank.

(c) A form for registration of a storage tank must be complete upon submission to the Department and provide the following:

(1) Tank owner, operator, property owner and contact information.

(2) General facility, site and location information.

(3) Specific tank description and usage information, including regulated substance or substances that will be stored in each tank.

(4) Specific tank construction, system components and installation information.

(5) Owner's certification validating the registration information and operating permit application.

(6) Certified tank installer information and signature (when required).

(7) Certified tank inspector information and signature for certain classes of tanks addressed in § 245.21 (relating to tank handling and inspection requirements).

(8) Trained underground storage tank operator information, as required under § 245.436 (relating to operator training).

(9) Other applicable information that may be required by the Department.

(d) The owner's registration form shall also serve as an operating permit application. The Department may register a tank and not approve an operating permit for the tank if the application, tank system or the storage tank facility does not meet the requirements in this chapter or the permit applicant is in violation of the act. The Department will automatically withhold or withdraw the operating permit for a storage tank that is reported on the registration form in temporary removal from service (out-of-service) status. Tank owners may not store, dispense from or place a regulated substance in a storage tank that does not have an operating permit unless otherwise agreed upon by the Department. Additionally, certain classes of tanks require a site-specific installation permit prior to beginning construction of a new or replacement storage tank in accordance with Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities). Submission of a site-specific installation permit application is a separate

requirement for these tanks that is not satisfied by the registration form submission.

(e) A combination of tanks that operate as a single unit require registration of each tank unless otherwise agreed upon by the Department. A tank that has separate compartments within the tank shall be registered separately and charged a separate tank fee for each compartment unless the compartments are connected in a manner that fills, dispenses and operates as a single unit maintaining the same regulated substance at the same operating level in each compartment.

(f) Tank owners shall submit a registration form to amend registration information previously submitted to the Department within 30 days of a change in the previously submitted information. These changes include the following:

(1) Removal or relocation of a storage tank to a new facility.

(2) Temporary or permanent closure or removal from service of a storage tank.

(3) Change in use of a storage tank to or from regulated or nonregulated status, for example, changing a storage tank to use as a process vessel.

(4) Change in substance or substances stored in the tank, unless otherwise agreed upon by the Department.

(5) Change of ownership or change of operator.

(6) Change of contact, mailing address or telephone number.

(7) Installation of a new or replacement storage tank at an existing facility.

(g) The Department may require submission of supporting documentation and process information for exemption or exclusion from regulation for a tank change in status or use from a regulated to a nonregulated status.

(h) Beginning October 24, 1988, a person who sells a tank intended to be used as a regulated storage tank or a property containing an existing regulated storage tank shall notify the purchaser, in writing, of an owner's obligations under this section.

§ 245.42. Tank registration fees.

* * * * *

(c) The Department will issue an invoice to the tank owner after receipt of a complete registration form under § 245.41(c) (relating to tank registration requirements). The tank owner shall remit the appropriate fee upon receipt of the invoice.

(d) Registration expiration dates are established for storage tanks according to facility location. The Department will prorate the registration fee in this section to reflect the percentage of time remaining in the registration year from the date of initial registration or change of ownership of a storage tank. The Department will not refund registration fees if an owner permanently closes a storage tank or exempts a storage tank through a change-in-service to store a nonregulated substance or change to nonregulated use (such as a process vessel) prior to the expiration of the storage tank's registration. The Department will not refund registration fees due to a change of ownership.

* * * * *

Subchapter B. CERTIFICATION PROGRAM FOR INSTALLERS AND INSPECTORS OF STORAGE TANKS AND STORAGE TANK FACILITIES
GENERAL CERTIFICATION REQUIREMENTS

§ 245.102. Requirement for certification.

(a) A person may not conduct tank handling or tightness testing activities unless that person holds a current installer certification issued by the Department for the applicable certification category as indicated in § 245.110 (relating to certification of installers), except as provided in § 245.31 (relating to underground storage tank system testing requirements). Installer certification will only be issued by the Department to a person who:

* * * * *

(d) A certified installer or certified inspector may not perform tank handling or inspection activities as an employee of a company unless the company holds a valid certification issued by the Department under this chapter.

* * * * *

§ 245.105. Certification examinations.

* * * * *

(d) To receive a passing grade on the examinations, the applicant for certification shall achieve a minimum score of 80% on each technical examination and a minimum score of 80% on the administrative examination.

(e) An applicant who fails an examination is eligible to retake the examination for up to 1 year from the failed examination test date, but no later than 18 months from date of authorization.

(f) Passing examination scores are valid for 2 years from the date of the examination.

§ 245.106. Conflict of interest.

(a) Except as provided in subsection (b), a certified inspector may not be one or more of the following:

(1) An employee of the tank owner, the tank owner or operator.

(2) A certified installer on the same tank handling activity on an aboveground storage tank system for which the installer is the certified inspector.

(3) An employee of a company that employs a certified installer on the same tank handling activity for which the employee is the certified inspector, when the tank handling activity is performed on a field-constructed storage tank. This prohibition extends to a company that owns, or is owned by, the employer, in whole or in part.

(b) A certified inspector who is a certified installer may conduct a tank handling activity to correct a deficiency identified by the same certified individual or company during an inspection of the operation of an underground storage tank system or the inspection of the integrity, installation or modification of an aboveground storage tank system. Notwithstanding this exception, subsection (a)(2) still prohibits a certified inspector from subsequently inspecting a tank handling activity which the certified inspector conducted to correct a deficiency noted during an integrity, installation or modification inspection of an aboveground storage tank system.

(c) A certified inspector may not perform an inspection as required under § 245.411 (relating to inspection frequency) for a facility where the inspector is also the designated Class A or Class B operator as defined in § 245.436 (relating to operator training).

§ 245.107. (Reserved).

§ 245.108. Suspension of certification.

(a) The Department may suspend the certification of a certified installer or certified inspector for good cause which includes:

- (1) A violation of the act or this chapter.
- (2) Incompetency on the part of the certified installer or certified inspector as evidenced by errors in conducting duties and activities for which the certification in question was issued.
- (3) Failure to successfully complete a training program required by the Department.
- (4) A certified inspector's failure to:
 - (i) Inform the owner or operator and the Department of conditions or procedures that are not in accordance with the manufacturer's technical and procedural specifications for installation, construction, modification or operation of the storage tank system or storage tank facility and not in compliance with the act or this chapter.
 - (ii) Conduct, review or observe a test or inspection activity required by the act or this chapter.
 - (iii) Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for reports of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity. For inspection activities involving multiple certified individuals and certification categories, reports of modification inspection activities must be submitted within 30 days of the completion of all project tank handling and inspection activities.
- (5) A certified installer's failure to:
 - (i) Be present during tank handling activities at the storage tank system or storage tank facility as required by the act or this chapter.
 - (ii) Conduct tank handling activities in accordance with the requirements in the act or this chapter.
 - (iii) Submit tank handling reports and activities to the Department within 30 days of conducting the tank handling activities. For tank handling activities involving multiple certified individuals and certification categories, the tank handling report shall be submitted within 30 days of the completion of all project tank handling and inspection activities.
- (6) Working as a certified installer or certified inspector in a certification category for which the person has failed to obtain or maintain certification.
- (7) Failure to meet one or more of the standards of performance in § 245.132 (relating to standards of performance).
- (8) Submission of false information to the Department.
- (9) A violation of The Clean Streams Law, the Air Pollution Control Act or the Solid Waste Management Act or regulations promulgated under those statutes by the certified individual which causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.
- (10) Failure to perform underground tightness testing activities and documentation in accordance with § 245.31 (relating to underground storage tank system testing requirements).

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§ 245.110. Certification of installers.

(a) An installer certification authorizes the person to whom it is issued to conduct tank handling activities or tightness testing activities pertaining to storage tank systems or storage tank facilities in one or more of the categories in subsection (b).

(b) Installer certifications may be issued for the following categories:

(1) *Underground storage tank system installation and modification {UMX}*. Installation and modification of underground storage tank systems including the tank and all associated ancillary equipment, appurtenances, corrosion protection systems, structural components and foundations. This category also includes conducting preinstallation air pressure tests for underground storage tank systems, overflow prevention equipment evaluations, containment sump and spill prevention equipment testing, and release detection equipment testing.

(2) *Underground storage tank system minor modification {UMI}*. Limited to the performance of minor modifications of underground storage tank systems. This category also includes conducting overflow prevention equipment evaluations, containment sump and spill prevention equipment testing, and release detection equipment testing.

(3) *Underground storage tank system removal {UMR}*. Removal from service of underground storage tank systems.

(4) *Underground storage tank system tightness tester {UTT}*. Tightness testing activities involved in conducting and interpreting results of volumetric and nonvolumetric tests on underground storage tank systems. This category also includes containment sump and spill prevention equipment testing and release detection equipment testing.

(5) *Aboveground manufactured metallic storage tank system installation and modification {AMMX}*. Installation and modification of aboveground manufactured metallic storage tank systems, including the tank and all associated ancillary equipment, appurtenances and corrosion protection systems. This category also covers foundations, containment structures and structural components when they are designed by an engineer qualified in civil construction or when installing small aboveground UL-labeled tanks with manufacturer's installed self-containment or diking systems.

(6) *Aboveground nonmetallic storage tank system installation and modification {AMNX}*. Installation and modification of aboveground nonmetallic storage tank systems, including the tank and all associated ancillary equipment and appurtenances. This category also covers foundations and structural components when they are designed by an engineer qualified in civil construction or as specified by the tank manufacturer.

(7) *Aboveground manufactured storage tank system removal {AMR}*. Removal from service of aboveground manufactured storage tank systems.

(8) *Aboveground field constructed metallic storage tank installation, modification and removal {AFMX}*. Installation, modification and removal of aboveground field constructed metallic storage tanks and corrosion protection systems. This category also covers the modification of tank shell components of an aboveground manufactured metallic storage tank.

(9) *Aboveground field constructed storage tank system removal (AFR)*. Removal from service of aboveground field constructed and manufactured aboveground storage tank systems.

(10) *Aboveground storage tank system mechanical installation, modification and removal (AMEX)*. Installation, modification and removal of tank related mechanical appurtenances, including valves, fill piping, suction piping, foam system piping, pumps, corrosion protection systems, release detection systems, and spill and overflow prevention systems that are components of an aboveground storage tank system.

(11) *Aboveground storage tank system civil (ACVL)*. Installation and modification of tank related structural components, including foundations, dike walls, field grading, above and below grade vaults, pump supports, pipe supports, corrosion protection systems and drainage systems associated with an aboveground storage tank system.

(12) *Storage tank liner (TL)*. Activities involved in installation or modification of internal linings for underground and aboveground storage tank systems and the evaluation of underground storage tank linings as required in § 245.422(b)(1)(ii) (relating to upgrading of existing underground storage tank systems).

§ 245.111. Certified installer experience and qualifications.

(a) An applicant shall meet the following minimum experience, education, training or certification requirements and have completed the required number of activities in the appropriate category for an initial installer category certification:

| <i>Category</i> | <i>Experience, Education, Training or Certification</i> | <i>Total Number of Activities Completed</i> |
|-----------------|--|--|
| UMX | 2 years, or college degree and 1 year
Technical training
or
UMI certification | 10 installations or major modifications
(at least 5 installations)

10 installations or major modifications
(at least 5 installations) |
| UMI | 2 years, or college degree and 1 year
Technical training | 10 minor modifications |
| UMR | 2 years, or college degree and 1 year
Technical training | 6 removals |
| UTT | Department-approved training with testing
equipment manufacturer's certification | None |
| AMMX | 2 years, or college degree and 1 year
Technical training
or
UMX certification
Technical training
or
AFMX certification | 10 installations or major modifications
(at least 5 installations)

None

None |
| AMNX | 2 years, or college degree and 1 year
Technical training
or
AMMX certification | 10 installations or major modifications
(at least 5 installations)

6 AST installations |
| AMR | 2 years, or college degree and 1 year
Technical training
or
UMR certification
or
AFR certification | 6 removals

None

None |
| AFMX | 3 years, or college degree and 2 years
Technical training | 12 which may be installations or major modifications |
| AFR | 2 years, or college degree and 1 year
Technical training | 6 removals |
| AMEX | 3 years, or college degree and 2 years
Technical training | 12 installations or modifications
(at least 6 installations) |
| ACVL | 3 years, or college degree and 2 years
Technical training | 12 installations or modifications
(at least 6 installations) |
| TL | 2 years
Manufacturer's certification | 9 tank linings |

* * * * *

(c) A college degree being substituted for experience shall be, at a minimum, a bachelor's degree in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, hydrology, geology or an equivalent degree as determined by the Department.

* * * * *

(g) The technical training required by subsection (a) shall be completed during the experience interval and shall be demonstrated through the submission of proof of successful completion of a category-specific training course approved by the Department in accordance with § 245.141. Successful completion means attendance at all sessions of the training and attainment of the minimum passing grade for the approved course.

* * * * *

§ 245.112. Certification of inspectors.

(a) An inspector certification authorizes the person to whom it is issued to conduct inspection activities for storage tank systems and storage tank facilities in one or more of the categories in subsection (b).

(b) Inspector certifications may be issued for the following categories:

- (1) IUM underground storage tank systems and storage tank facilities. This category also includes containment sump and spill prevention equipment testing and release detection equipment testing.
- (2) IAM aboveground manufactured storage tank systems and storage tank facilities.
- (3) IAF aboveground field constructed and aboveground manufactured storage tank systems and storage tank facilities.

§ 245.113. Certified inspector experience and qualifications.

(a) An applicant shall meet the following minimum experience, education, training or certification requirements, and have completed the required number of activities in the appropriate category for an initial inspector category certification:

| <i>Category</i> | <i>Experience, Education, Training or Certification</i> | <i>Total Number of Activities Completed</i> |
|-----------------|---|---|
| IUM | 4 years, or college degree and 2 years and Department-approved tank tightness testing familiarization course or UTT certification and UMX certification and Corrosion protection training | None |
| IAM | 4 years, or college degree and 2 years API 653 certification or STI inspector certification or Department-approved aboveground storage tank inspector certification | None |
| IAF | 4 years, or college degree and 2 years API 653 certification or Department-approved aboveground storage tank inspector certification | 12 integrity or construction inspections |

(b) The total number of activities completed required by subsection (a) shall have been completed within the 3-year period immediately prior to submitting the application for certification. The activities shall have been completed in compliance with Federal and State requirements and the applicant shall have had substantial personal involvement at the storage tank site in the activities.

(c) A college degree being substituted for experience shall be, at a minimum, a bachelor's degree in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, corrosion engineering, hydrology, geology or an equivalent degree as determined by the Department.

(d) The total number of activities completed required by subsection (a) may be met through the conducting of inspection activities. Noncertified individuals may work at the site but the certified inspector is directly responsible to assure that the activities are conducted properly. This work qualifies toward the total number of activities completed requirements.

(e) The total experience requirement is experience gained working at a storage tank site while working

towards the total number of activities completed requirement.

(f) Corrosion protection training required for IUM certification shall be documented by completion of a Nationally recognized training course in the area of cathodic protection or corrosion protection, or other training as approved by the Department.

(g) When conducting an aboveground storage tank structural integrity inspection on an aboveground field constructed metallic storage tank, the Department-certified inspector shall also possess API Standard 653 (Tank Inspection, Repair, Alteration and Reconstruction Certification).

(h) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regulatory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR Part 1910 (relating to occupational safety and health standards).

(i) A certified inspector of underground storage tanks (IUM) shall complete Department-provided inspector

training prior to conducting inspections on underground storage tank systems as required in § 245.411 (relating to inspection frequency).

(j) A certified inspector of aboveground storage tanks (IAF and IAM) shall complete Department-provided inspector training prior to conducting installation, modification, in-service and out-of-service inspections on aboveground storage tank systems as required under §§ 245.551—245.554 and 245.616.

§ 245.114. Renewal and amendment of certification.

(a) Certification categories will have a uniform expiration date of 3 years from the issuance date of the first category obtained or renewed after January 9, 2008.

(b) The issued certification will be valid for 3 years from the previous expiration date, unless suspended or revoked before that date.

(c) An applicant shall meet the following training requirements in the appropriate category for renewal of installer certification:

| Category | Training |
|----------|---|
| UMR | Examination or Technical training
Administrative training |
| UMX | Examination or Technical training
Administrative training |
| UMI | Examination or Technical training
Administrative training |
| UTT | Testing equipment manufacturer's certification
Administrative training |
| AMMX | Examination or Technical training
Administrative training |
| AMNX | Examination or Technical training
Administrative training |
| AFMX | Examination or Technical training
Administrative training |
| AFR | Examination or Technical training
Administrative training |
| AMR | Examination or Technical training
Administrative training |
| AMEX | Examination or Technical training
Administrative training |
| ACVL | Examination or Technical training
Administrative training |
| TL | Manufacturer's certification
Administrative training |

(d) An applicant shall meet the following requirements in the appropriate category for renewal of inspector certification:

| Category | Qualifications and Training |
|----------|---|
| IUM | Department inspector training |
| IAM | API 653 certification
or
STI Inspector certification
or
Department-approved inspector certification
and
Department inspector training |

| Category | Qualifications and Training |
|----------|--|
| IAF | API 653 certification
or
Department-approved inspector certification
and
Department inspector training |

(e) Technical, administrative and inspector training must be obtained within 2 years prior to application submission.

(1) Administrative and inspector training will be provided by the Department.

(2) Technical training is category-specific and must be approved by the Department in accordance with § 245.141 (relating to training approval).

(f) An applicant for renewal shall:

(1) Submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date or examination test date. Applicants who fail to submit a renewal application within 60 days following the expiration date shall meet the experience, qualifications and examination requirements for initial certification as required in § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications) and the requirements in § 245.105 (relating to certification examinations).

(2) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regulatory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR Part 1910.

(3) Successfully complete training programs which may be required by the Department. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 for all sections of all qualifying tests given as part of the training course.

(g) A certified installer or certified inspector shall notify the Department and seek amendment of the certification from the Department whenever:

(1) There is a change in the information provided in the application for the certification. This request shall be made within 14 days from the date of a change in information.

(2) The certified installer or certified inspector wishes to conduct tank handling or inspection activities in installer or inspector certification categories other than those approved by the Department as set forth on the certification.

(3) The certified installer or certified inspector wishes to eliminate installer or inspector certification categories from the certification.

(4) The EQB amends certification categories or qualification requirements and establishes a phase-in period for the new requirements.

(h) Certified installers or certified inspectors required to amend their certifications in accordance with paragraph (1) or (3) shall apply for amendment on a form provided by the Department.

(i) Certified installers or certified inspectors required to amend their certifications in accordance with subsection

(g)(2) shall comply with the applicable requirements in this chapter related to application, experience, qualifications and examination.

COMPANY CERTIFICATION

§ 245.121. Certification of companies.

A company may not perform or employ a certified installer or certified inspector to perform tank handling, tightness testing or inspection activities unless the company holds a valid certification issued by the Department under this chapter and the company verifies that the certified installer or certified inspector holds a valid certification issued under this chapter for the appropriate category.

§ 245.123. Suspension of company certification.

(a) The Department may suspend the certification of a certified company for good cause, which includes, but is not limited to:

* * * * *

(4) A violation of The Clean Streams Law, the Air Pollution Control Act or the Solid Waste Management Act or regulations promulgated thereunder by the company or a certified installer or a certified inspector employed by the company which causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.

(5) Withholding from a certified installer or certified inspector, individual correspondence or certification documents issued by the Department.

* * * * *

STANDARDS OF PERFORMANCE

§ 245.132. Standards of performance.

(a) Certified companies, certified installers and certified inspectors shall:

(1) Maintain current technical and administrative specifications and manuals, Nationally recognized codes and standards, and State and Federal regulations which pertain to the categories for which certification was issued. Nationally recognized organizations are identified in §§ 245.405, 245.504 and 245.604 (relating to codes and standards; referenced organizations; and referenced organizations).

(2) Complete and submit to the Department a Department-approved form certifying that the tank handling activity or inspection activity conducted by the certified installer or certified inspector meets the requirements in the act and this chapter and accurately describing the conditions of the storage tank system and facility in accordance with the following requirements:

(i) Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for a report of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity.

(ii) Submit a report of a tank handling activity to the Department within 30 days of conducting the tank handling activity.

(iii) For tank handling activities or inspection activities involving multiple certified individuals and certification categories, submit a report of tank handling activities or inspection activities within 30 days of the completion of all project tank handling or inspection activities.

(3) Maintain complete records of tank handling and inspection activities, nondestructive examination and testing results and tightness testing records for a minimum of 10 years.

(4) Report the following to the Department while performing services as a certified installer or certified inspector:

(i) A release of a regulated substance.

(ii) Suspected or confirmed contamination of soil, surface or groundwater from regulated substances.

(iii) A regulated substance observed in a containment structure or facility.

(5) Report to the Department a failed test of spill prevention equipment, containment sumps and overfill prevention equipment conducted as required in this chapter.

(6) As required under paragraphs (4) and (5), notify the Department in writing within 48 hours of performing the failed test or observing a release of a regulated substance, suspected or confirmed contamination, or a regulated substance in a containment structure or facility on a form provided by the Department. If the notification is being submitted because of a failed valid tightness test, spill prevention equipment test, containment sump test or overfill prevention evaluation, a copy of the test results must also be provided to the Department with the notification report.

(7) Perform certified installer or certified inspector activities so that there is no release of regulated substances or contamination of soil, surface or groundwater caused by regulated substances from a storage tank system or storage tank facility.

(8) Adhere to equipment manufacturer's instructions, accepted industry standards and applicable industry codes of practice when performing tank handling, tightness testing or inspection activities or other nontank handling activities on the project.

(9) Provide requested records and documentation to the Department under section 107(c) of the act (35 P.S. § 6021.107(c)).

(b) A company that employs an individual certified in the UMX, UMR, UMI or UTT category or an individual certified in the UMX, UMR, UMI or UTT category who is not employed by a certified company shall participate in the Tank Installer Indemnification Program (TIIP) as required under section 704(a)(1) of the act (35 P.S. § 6021.704(a)(1)) and shall provide timely payment of TIIP fees as required under section 705(d)(1) and (e) of the act (35 P.S. § 6021.705(d)(1) and (e)) and § 977.19(b) (relating to certified company fees for the Underground Storage Tank Indemnification Fund).

(c) Certified companies, certified installers and certified inspectors may not:

(1) Affix the certified installer's or certified inspector's signature or certification number to documentation concerning the installation or inspection of a component of a storage tank system project or to documentation concerning tank handling or inspection activity as required under the act and this chapter unless:

(i) The storage tank system project was performed by the certified installer or under the installer's direct, onsite supervision and control.

(ii) Inspection activities were conducted on the storage tank system project by the certified inspector, or under the inspector's direct, onsite supervision and control.

(iii) Installation or modification inspection activities were conducted on a large or field-constructed aboveground storage tank and the certified inspector was involved prior to the initiation of the project and was present at critical times so that the inspector can reliably determine that all of the following requirements were met:

(A) Industry standards and project specifications were followed throughout the tank handling activity.

(B) Appropriate testing and nondestructive examinations were properly conducted.

(C) The tank is suitable for operational service.

(2) Certify to an owner or operator or the Department that a storage tank system project or component thereof is complete unless it complies with the act and this chapter. Project certification applies to certified activities and nontank handling activities that may have been performed as part of the project.

(d) A certified installer or certified inspector shall display the Department-issued certification identification card or certificate upon request.

(e) A certified company is responsible for employees having appropriate safety and technical training. Certified companies, certified installers and certified inspectors shall adhere to health and safety procedures, such as those required by the Federal Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).

TRAINING APPROVAL

§ 245.141. Training approval.

* * * * *

(b) An application for approval must include the following information:

* * * * *

(4) A narrative describing the preparation and administration of a test to be given at the conclusion of the course. This test must test the participant's knowledge of the technical, administrative and legal requirements related to the subject matter of the course. The narrative must also describe a procedure for conducting and grading of the test that assures careful monitoring and expeditious transmission of test results to the applicant and the Department.

(5) Other information necessary for a determination that the training program conforms to the act and this chapter such as copies of presentations, presenter notes, training handouts or references.

(c) Training approval shall be for 3 years from the date of issuance. An applicant for renewal shall submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date.

(d) The Department may approve industry recognized training without the submission of an application as provided in subsection (a).

Subchapter C. PERMITTING OF UNDERGROUND AND ABOVEGROUND STORAGE TANK SYSTEMS AND FACILITIES

GENERAL

§ 245.203. General requirements for permits.

(a) A person may not operate an aboveground or underground storage tank system or storage tank facility, or install a storage tank system or facility covered by

§ 245.231 (relating to scope), unless the person has first applied for and obtained a permit for the activity from the Department under this subchapter.

(b) The storage tank system must be registered with the Department in accordance with Subchapter A (relating to general provisions) and be maintained and operated in compliance with the standards and requirements of the Department under the act and this chapter. Failure to comply with standards could result in administrative or other Departmental actions against the storage tank owner and operator.

(c) Operating permits will be renewed automatically on an annual basis concurrent with registration. There will be no additional fee or paperwork required beyond the registration requirements.

(d) The Department will automatically withhold or withdraw the operating permit for a storage tank that is reported under § 245.41 (relating to tank registration requirements) in temporary removal from service (out-of-service) status. The Department may renew the permit when an amended registration form is received showing the tank returning from temporary removal from service status to an operating status.

(e) A storage tank system may not be operated if the Department suspends, revokes or denies the tank operating permit.

(f) A person may not deliver or place a regulated substance in a storage tank if the Department suspends, revokes or denies the tank operating permit, if the tank operating permit is in a withheld or withdrawn status or if the tank operating permit has not been issued.

(g) The owner and operator of a storage tank system who causes or allows a violation of the act, this chapter, an order of the Department, a condition of a permit issued under the act or any other applicable law is subject to enforcement action including suspension, modification or revocation of the permit.

§ 245.211. (Reserved).

§ 245.212. (Reserved).

OPERATING PERMITS

§ 245.221. (Reserved).

§ 245.222. Application requirements.

Applications for an operating permit shall be submitted on a form provided by the Department. The application must certify the following:

* * * * *

(3) In addition to the requirements in paragraph (1), an owner of a large aboveground storage tank or large aboveground storage tank facility shall file a current Spill Prevention Response Plan that is in compliance with sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904) with the Department.

SITE-SPECIFIC INSTALLATION PERMITS

§ 245.231. Scope.

(a) Site-specific installation permits are required prior to the construction, reconstruction or installation of one or more of the following:

(1) New aboveground storage tank systems with a capacity greater than 21,000 gallons at an existing large aboveground storage tank facility.

(2) New large aboveground storage tank facilities.

(3) New highly hazardous substance tank systems.

(4) New underground field constructed storage tank systems not installed within a previously registered underground storage tank system.

(b) Site-specific installation permit applications meeting the requirements in §§ 245.232(a)(1) and (2) and 245.236 (relating to general requirements; and public notice) are required to be approved prior to construction, reconstruction or installation. Additional application requirements include the following:

(1) Large aboveground storage tank system at a new facility or existing small aboveground storage tank facility requires compliance with § 245.232(a)(3) and (4) and (b).

(2) Large aboveground storage tank system at an existing large aboveground storage tank facility on new location requires compliance with § 245.232(a)(3) and (b).

(3) Large aboveground storage tank system at an existing large aboveground storage tank facility on the footprint of previous aboveground storage tank system requires compliance with § 245.232(b) and § 245.234(b) (relating to siting requirements).

(4) Small aboveground storage tank systems at a new large aboveground storage tank facility require compliance with § 245.232(a)(3) and (b).

(c) If the facility owner or operator can demonstrate that, on or before November 10, 2007, construction has commenced on an aboveground storage tank with a capacity greater than 30,000 gallons used or to be used for storing heating oil for consumptive use on the premises or on a tank regulated due to the addition of new regulated substances defined in § 245.1 (relating to definitions) (see subparagraphs (i)(C)(I) and (II)), the requirements of this section will not apply.

(d) Site-specific installation permits will expire 5 years from the date of issuance unless the Department receives a written extension request from the owner prior to the expiration date and grants an extension.

§ 245.232. General requirements.

(a) Applicants for site-specific installation permits shall provide the following:

* * * * *

(b) In addition to the items required by subsection (a), owners of aboveground storage tank systems or facilities required to apply for a site-specific installation permit shall include:

(1) A Spill Prevention Response Plan for the facility that includes the proposed storage tank systems demonstrating compliance with sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904).

(2) Proof of notification to the municipality and county prior to submitting the application for a site-specific installation permit under section 1101(a) of the act (35 P.S. § 6021.1101(a)) and § 245.236 (relating to public notice). Acceptable proof of notification includes, but is not limited to, copies of letters sent to the affected municipality and county and legal notices published in a newspaper of general circulation in the area where the project is proposed.

(c) Applications for site-specific installation permits shall be accompanied by the proper fee required by section 304(c) of the act (35 P.S. § 6021.304(c)) for aboveground storage tanks and section 504(c) of the act (35 P.S. § 6021.504(c)) for underground storage tanks.

§ 245.233. Mapping requirements.

(a) A site-specific installation permit application must contain maps and plans of the proposed storage tank system or facility site showing all of the following:

(1) The boundaries for the proposed facility site.

(2) The location of the proposed storage tanks.

(3) The location and names of public roads within or adjacent to the proposed facility site.

(4) The location of proposed monitoring wells.

(5) The municipality and county.

(6) The elevation and location of test borings and core samples.

(7) The ownership, if known, location and extent of known workings of active, inactive and abandoned underground mines including mine openings within the proposed permit site.

(8) Streams, lakes or surface watercourses located on or adjacent to the proposed permit site.

(9) The location and ownership of public or private groundwater supplies within 2,500 feet of the proposed permit site.

(10) Sufficient slope measurements to adequately represent the existing land surface configuration of the proposed permit site.

(b) Maps, plans and cross sections required by this section shall be accurately surveyed and on a scale satisfactory to the Department, not less than 1 inch to 400 feet and in a manner satisfactory to the Department. The maps, plans and cross sections shall be prepared by a Pennsylvania registered professional engineer, Pennsylvania registered land surveyor or Pennsylvania registered professional geologist with assistance from experts in related fields.

§ 245.234. Siting requirements.

(a) The Department will not issue a site-specific storage tank system or facility installation permit if:

(1) The installation of storage tank systems and facilities is proposed on 100-year floodplains or a larger area that the flood of record has inundated unless an industrial use on the proposed site was in existence as of August 5, 1989.

(2) The installation of storage tank systems and facilities is proposed in wetlands in a manner inconsistent with Chapter 105 (relating to dam safety and waterway management).

(3) The Department determines that construction design criteria or engineering specifications submitted by a professional engineer are not in accordance with generally accepted sound engineering practices or existing conditions at the site require mitigation to properly support the tank systems and the applicant's proposed mitigation actions are not deemed adequate.

(b) The applicant shall provide the following additional information if appropriate:

(1) Over areas underlain by carbonate bedrock, the applicant shall provide information and analysis to the Department which assesses the prevalence of solution channels and the potential for sinkholes at the facility site.

(2) If any part of a proposed facility has been previously mined by deep mining methods, the applicant shall provide the results of an engineering study of the pro-

posed site by a Pennsylvania registered professional engineer or Pennsylvania registered professional geologist. The study must be detailed enough to assess the potential for and degree of surface subsidence. The study must also include methods which have been used or will be used to stabilize the surface. The applicant shall provide assurance that minerals providing surface support will not be mined as long as the facility stores regulated substances.

(3) A professional engineer's construction design criteria and engineering specifications necessary to mitigate surface or subsurface conditions which may result in excessive storage tank system settlement or unstable support of the applicant's proposed storage tank systems.

§ 245.235. Environmental assessment.

(a) An application for a site-specific installation permit must include an environmental assessment on a form prescribed by the Department.

* * * * *

§ 245.236. Public notice.

The owner of a proposed new large aboveground storage tank facility or proposed aboveground storage tank system with greater than 21,000 gallons capacity or proposed new highly hazardous substance tank shall provide written notice to the local municipality and county in which the proposed aboveground system or facility is to be located prior to submitting a permit application. The notice must inform the local municipality and county of the location, capacity and projected installation date of the proposed storage tank system and the substance to be stored in the tank.

Subchapter D. CORRECTIVE ACTION PROCESS FOR OWNERS AND OPERATORS OF STORAGE TANKS AND STORAGE TANK FACILITIES AND OTHER RESPONSIBLE PARTIES

§ 245.301. Purpose.

This subchapter establishes suspected release investigation, release reporting and corrective action requirements for owners and operators of storage tank systems and storage tank facilities and other responsible parties.

§ 245.302. Scope.

This subchapter applies to suspected releases and releases of regulated substances from storage tank systems regulated under the act.

§ 245.303. General requirements.

* * * * *

(c) For corrective actions required by this subchapter, it will be presumed as a rebuttable presumption of law in civil and administrative proceedings that a person who owns or operates an aboveground or underground storage tank system is liable, without proof of fault, negligence or causation, for damage, contamination or pollution within 2,500 feet of the perimeter of the site of a storage tank system containing or which contained a regulated substance of the type which caused the damage, contamination or pollution. The presumption may be overcome by clear and convincing evidence that the person so charged did not contribute to the damage, contamination or pollution.

(d) To overcome the presumption of liability established in subsection (c), the owner or operator shall affirmatively prove, by clear and convincing evidence, one of the following:

(1) The damage, contamination or pollution existed prior to the use of a storage tank system at the facility to contain an accumulation of regulated substances, as determined by surveys of the site and within 2,500 feet of the perimeter of the storage tank system or facility.

(2) An adjacent landowner refused to allow the owner or operator of a storage tank system at a new facility access to property within 2,500 feet of the perimeter of a storage tank facility to conduct a survey.

(3) The damage, contamination or pollution was not within 2,500 feet of the perimeter of a storage tank system.

(4) The owner or operator did not contribute to the damage, contamination or pollution.

(e) The Department may waive or combine one or more of the requirements in this subchapter based on:

(1) The nature, extent, type, volume or complexity of the release, including a release to a containment structure or facility that is shown to be liquid-tight.

(2) The general characteristics of the site and the regulated substances which were released.

(3) The corrective action which occurred subsequent to the release.

(f) The Department's acceptance or approval of an interim remedial action, site characterization, site characterization report, remedial action plan, remedial action or remedial action completion report, does not constitute and may not be construed as a release from civil or criminal liability in an administrative, civil or criminal proceeding.

§ 245.304. Investigation and reporting of suspected releases.

(a) The owner or operator of a storage tank system or storage tank facility shall initiate and complete an investigation of a suspected release of a regulated substance as soon as practicable, but no later than 7 days after the indication of a suspected release. An indication of a suspected release includes one or more of the following conditions:

(1) The presence of a regulated substance or an unusual level of vapors from a regulated substance outside of storage tank system components designed to routinely contain or convey product, at or near a storage tank facility.

(2) Evidence of a regulated substance or vapors in soils, basements, sewer lines, utility lines, surface water or groundwater in the surrounding area.

(3) Unusual operating conditions, indicative of a release, such as the erratic behavior of product dispensing equipment.

(4) The sudden or unexpected loss of a regulated substance from a storage tank system or the unexplained presence of water in a storage tank system.

(5) Test, sampling or monitoring results, including the sounding of an alarm, from a release detection method which indicate a release.

(6) The discovery of holes in or damage to a storage tank system during activities such as inspection, repair or removal from service.

(7) Other events, conditions or results which may indicate a release.

(b) The investigation required by subsection (a) shall include a sufficient number of the procedures outlined in

this subsection and be sufficiently detailed to confirm whether a release of a regulated substance has occurred. The owner or operator shall investigate the indication of a release by one or more of the following procedures:

- (1) A check of product dispensing or other similar equipment.
- (2) A check of release detection monitoring devices.
- (3) A check of inventory records to detect discrepancies.
- (4) A visual inspection of the storage tank system or the area immediately surrounding the storage tank system.
- (5) Testing of the storage tank system for tightness or structural soundness.
- (6) Sampling and analysis of soil, subsurface soil and backfill, vapor, water or groundwater at a location where contamination from a release would most likely be present.
- (7) Other investigation procedures which may be necessary to determine whether a release of a regulated substance has occurred.

(c) Upon completion of the investigation under subsection (a), the owner or operator shall comply with one of the following requirements:

- (1) Except as provided in § 245.305(i) (relating to reporting releases), if the investigation confirms that a release has occurred, the owner or operator shall report the release under § 245.305 and initiate corrective action.
- (2) If the investigation cannot determine whether a release has occurred, the owner or operator shall report the suspected release within 15 days of the indication of the suspected release to the appropriate regional office of the Department on a form provided by the Department.
- (3) If the investigation confirms that a release has not occurred, no further corrective action is required except that the owner or operator shall completely recover and remove the regulated substance. If removal of the regulated substance cannot be accomplished within 24 hours, the owner or operator shall immediately notify the appropriate regional office of the Department by telephone or e-mail.

§ 245.305. Reporting releases.

(a) The owner or operator of a storage tank system or storage tank facility shall notify the appropriate regional office of the Department as soon as practicable, but no later than 24 hours, after the confirmation of a release.

(b) The notice required by subsection (a) shall be by telephone and describe, to the extent of information available, the regulated substance involved, the quantity of the regulated substance involved, when the release occurred, where the release occurred, the cause of the release, the affected environmental media, information concerning impacts to water supplies, buildings or to sewer or other utility lines, and interim remedial actions planned, initiated or completed.

(c) Within 15 days of the notice required by subsection (a), the owner or operator shall provide written notification to the Department and to each municipality in which the release occurred, and each municipality where that release has impacted environmental media or water supplies, buildings or sewer or other utility lines.

(d) The owner or operator shall provide written notification to the Department and each impacted municipality of new impacts to environmental media or water supplies,

buildings, or sewer or other utility lines discovered after the initial written notification required by subsection (c). Written notification under this subsection shall be made within 15 days of the discovery of the new impact.

(e) Written notification required by this section must contain the same information as required by subsection (b) and must be on a form provided by the Department.

(f) If the Department determines that a release poses an immediate threat to public health and safety, the Department may evaluate and implement reasonable procedures to provide the public with appropriate information about the situation which may, at a minimum, include a summary of the details surrounding the release and its impacts in a newspaper of general circulation serving the area in which the impacts are occurring.

(g) Upon the occurrence of a release at the aboveground storage tank, the owner or operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall immediately notify the county emergency management agency, the Pennsylvania Emergency Management Agency and the Department. Downstream water companies, downstream municipalities and downstream industrial users within 20 miles of an aboveground storage tank facility located adjacent to surface waters shall be notified on a priority basis based on the proximity of the release by the owner or operator or the agent of the owner or operator within 2 hours of a release which enters a water supply or which threatens the water supply of downstream users. If the owner or operator or an agent fails to notify or is incapable of notifying downstream water users, the county emergency management agency shall make the required notification. This notification shall be done in accordance with section 904 of the act (35 P.S. § 6021.904).

(h) The owner or operator of a storage tank system or storage tank facility shall immediately notify the local fire authority where fire, explosion or safety hazards exist as a result of a release.

(i) Release reporting under this section and further corrective action under this subchapter are not required for the following releases if the owner or operator has control over the release, the release is completely contained and the total volume of the release is recovered and removed within 24 hours of the release:

- (1) A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons.
- (2) A release of petroleum to a containment sump if the total volume of the release is contained below the lowest sump penetration.

§ 245.306. Interim remedial actions.

(a) A responsible party shall immediately initiate the following interim remedial actions necessary to prevent or address an immediate threat to human health or the environment from a release while initiating, as necessary, one or more of the tasks identified in § 245.309(c) (relating to site characterization):

- (1) Remove the regulated substance from the storage tank system to prevent further release to the environment.
- (2) Identify, mitigate and continue to monitor and mitigate, fire, explosion and safety hazards posed by vapors and free product.

(3) Prevent further migration of the regulated substance released from the storage tank system into the environment as follows:

(i) If contaminated soil exists at the site, the interim remedial action may include excavation of the soils for treatment or disposal.

(ii) If free product is present, free product recovery shall be initiated immediately.

(4) Identify and analyze samples of affected water supplies and water supplies with the potential to be affected in a reasonable and systematic manner consistent with § 245.309(b)(1) and (4) and (c)(4), (6), (12) and (16). The responsible party shall restore or replace an affected or diminished water supply in accordance with § 245.307 (relating to affected or diminished water supplies). The responsible party shall provide a copy of the sample results to the water supply owner and the Department within 5 days of receipt of the sample results from the laboratory.

(b) At sites where free product recovery, regulated substance removal or contaminated soil excavation is performed, the responsible party shall:

(1) Conduct recovery, removal, storage, treatment and disposal activities in a manner that prevents the spread of contamination into previously uncontaminated areas.

(2) Handle flammable products in a safe and competent manner to prevent fires or explosions.

(3) Obtain required State and local permits or approvals for treatment and disposal activities.

(4) Minimize the amount of soil and subsurface material affected by a release of a regulated substance by segregating the unaffected soil and subsurface material from the material affected by a release of a regulated substance.

(c) If interim remedial actions such as free product recovery affect or diminish the quality or quantity of a water supply, the responsible party shall restore or replace the water supply in accordance with § 245.307.

(d) Where soil and subsurface material affected by a release is removed from the site, the person removing the material shall provide to the owner, operator, landowner or other responsible party a receipt documenting acceptance of the material at a permitted treatment or disposal facility.

(e) A responsible party shall notify the Department by telephone or e-mail as soon as practicable, but no later than 24 hours, after the initiation of interim remedial actions.

§ 245.307. Affected or diminished water supplies.

* * * * *

(d) A permanent water supply shall be provided within 90 days, or within an alternative time frame as determined by the Department, after one of the following:

(1) The responsible party receives information which establishes that the responsible party has affected or diminished the water supply.

(2) The responsible party is notified by the Department that the responsible party has affected or diminished the water supply.

(e) A responsible party shall notify the Department, by telephone or e-mail, within 24 hours of providing an alternate source of water to the owner of the affected or diminished water supply.

§ 245.309. Site characterization.

(a) Upon confirming that a release has occurred in accordance with § 245.304 (relating to investigation and reporting of suspected releases) or after a release from a storage tank system is identified in another manner, the responsible party shall perform a site characterization.

(b) The objectives of a site characterization are to accomplish the following:

(1) Determine whether additional interim remedial actions are necessary to abate an imminent hazard to human health or the environment.

(2) Determine whether additional site characterization work is required upon completion of an interim remedial action.

(3) Determine or confirm the sources of contamination.

(4) Provide sufficient physical data, through field investigations, to determine the regulated substances involved, and the extent of migration of those regulated substances in surface water, groundwater, soil or sediment.

(5) Determine, from measurements at the site, values necessary for fate and transport analysis including hydraulic conductivity, source dimensions, hydraulic gradient, water table fluctuation and fraction organic carbon.

(6) Provide sufficient information to select a remediation standard.

(7) Provide sufficient information to allow for completion of a remedial action plan or a design for remedial action.

(c) The responsible party shall conduct the site characterization activities necessary to satisfy the objectives in subsection (b). The site characterization shall include the following tasks, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) Identifying the need for and initiating additional interim remedial actions.

(2) Opening storage tanks and analyzing samples of the contents to determine the regulated substances stored in the tanks.

(3) Performing tightness testing or other release detection testing and monitoring to determine the structural integrity of the storage tank system.

(4) Identifying and analyzing samples of affected water supplies and water supplies with the potential to be affected which were not previously identified or sampled under § 245.306(a)(4) (relating to interim remedial actions). The responsible party shall restore or replace an affected or diminished water supply in accordance with § 245.307 (relating to affected or diminished water supplies). The responsible party shall provide a copy of the sample results to the water supply owner and the Department within 5 days of receipt of the sample results from the laboratory.

(5) Determining the location of the ecological receptors identified in § 250.311(a) (relating to evaluation of ecological receptors).

(6) Reviewing the history of operations, releases and corrective actions at the site.

(7) Reviewing and analyzing data collected during removal from service and interim remedial action activities.

(8) Using geophysical survey techniques to locate storage tanks and to determine geologic and hydrogeologic

characteristics of affected hydrogeologic zones and hydrogeologic zones with the potential to be affected.

(9) Using soil survey techniques which include drilling soil borings and analyzing soil samples to determine soil characteristics and the horizontal and vertical extent of soil contamination.

(10) Using direct push probes, piezometers, well points, monitoring wells, public and private wells, and other resources to:

- (i) Determine the direction of groundwater flow.
- (ii) Determine soil, geologic, hydrogeologic and aquifer characteristics, including parameters necessary for fate and transport analysis.
- (iii) Determine the horizontal and vertical extent and evaluate the properties of free product in the subsurface.
- (iv) Analyze groundwater samples to determine the horizontal and vertical extent of groundwater contamination.

(11) Analyzing surface water and sediment samples to determine the extent of surface water and sediment contamination.

(12) Assessing potential migration pathways, including sewer lines, utility lines, wells, geologic structures, hydrogeologic conditions and vapor intrusion into structures.

(13) Performing site surveying and topographic mapping.

(14) Developing a conceptual site model that describes the sources of contamination, fate and transport of contaminants, actual and potential receptors, and an evaluation of the vapor intrusion pathway.

(15) Handling and disposing of site characterization wastes.

(16) Preparing and implementing a site-specific plan for the provision of the following:

(i) Worker health and safety in accordance with OSHA requirements in 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices.

(ii) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.

(iii) Establishment of data quality objectives and a quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of all data that will be collected during the corrective action, according to appropriate standards and guidelines for environmental remediation.

(17) Analyzing the data collected as a result of the site characterization.

(18) Selecting a remediation standard.

(19) Demonstrating that groundwater is not used or currently planned to be used in accordance with the selected remediation standard.

(20) If the site-specific standard is selected, performing a risk assessment in accordance with Chapter 250, Subchapter F (relating to exposure and risk determinations).

(21) Developing preferred remedial action options to attain the selected remediation standard.

(22) Identifying additional investigations or pilot studies needed to design and implement the preferred remedial action options.

(23) Performing additional tasks necessary to meet the objectives in subsection (b).

(24) Notifying the Department by telephone or e-mail as soon as practicable, but no later than 24 hours, after the initiation of site characterization activities.

§ 245.310. Site characterization report.

(a) A responsible party shall prepare and submit to the Department within 180 days of reporting a release under § 245.305(a) (relating to reporting releases), or within an alternative time frame as determined by the Department, a site characterization report which describes the activities undertaken in accordance with § 245.309 (relating to site characterization). The responsible party shall submit two copies of the site characterization report to the Department unless directed otherwise. The site characterization report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) A narrative description of the site and the historical and current operations conducted at the site.

(2) A site map showing location of buildings, roads, storage tanks, including those removed from service or closed in place, utilities, property boundaries, topographic contours, potential receptors and other information pertinent to the site characterization.

(3) A description of natural and manmade features pertinent to the site characterization.

(4) Details of interim remedial actions conducted at the site in accordance with § 245.306 (relating to interim remedial actions). These details must include the following, as necessary:

(i) A description of the type and volume of the regulated substance removed from the storage tank.

(ii) A discussion of fire, explosion and safety hazards which have been identified, mitigated and monitored.

(iii) A discussion of necessary relocation of affected residents.

(iv) Where free product recovery is performed, a description of:

(A) The regulated substance released, the thickness of free product in wells, boreholes or excavations, and the properties and vertical and horizontal distribution of any free product remaining in the subsurface.

(B) The type of free product recovery system used.

(C) Whether a discharge has or will take place during the recovery operation, and where this discharge is or will be located.

(D) The type of treatment applied to, and the effluent quality expected from, a discharge.

(E) The steps that have been or are being taken to obtain necessary permits or approvals for a discharge.

(F) The volume and disposition of the recovered free product.

(G) The date free product recovery was initiated.

(H) The date free product recovery was completed.

(v) Where excavation of contaminated soil is performed, a description of:

(A) The regulated substance released and actual volume of soil excavated.

(B) The method used to determine the existence and extent of contaminated soil.

(C) The treatment method or disposition of the excavated soil, including receipts documenting acceptance of the material at a permitted treatment or disposal facility.

(D) The date excavation was initiated.

(E) The date excavation was completed.

(F) The rationale for terminating soil excavation where the contaminated soil has not been excavated, including the volume of contaminated soil remaining in place, and a description of what steps will be taken to address the soils that remain unexcavated.

(5) Details of actions conducted at the site in accordance with § 245.307 (relating to affected or diminished water supplies). These details must include the steps that have been or are being taken to restore or replace affected or diminished water supplies.

(6) A description of the type and characteristics of regulated substances involved, including quantities, physical state, concentrations, toxicity, propensity to bioaccumulate, persistence and mobility.

(7) The results of tightness testing or other release detection method used or conducted to determine the structural integrity of the storage tank systems.

(8) The details of removal from service activities conducted at the site.

(9) The identification of the sources of contamination, including the actual or estimated date and quantity of release from each source.

(10) The location and description of affected water supplies and water supplies with the potential to be affected.

(11) A statement certifying that the site-specific plan, prepared for worker health and safety in accordance with OSHA requirements in 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices, was implemented.

(12) A discussion and analysis to demonstrate that the site characterization objectives in § 245.309(b) have been satisfied.

(13) The rationale, equipment, methodology and results of geophysical surveys.

(14) The location, rationale and logs of soil borings.

(15) The location, rationale, construction details, including methods and materials, and depth to groundwater of piezometers, well points and monitoring wells.

(16) Groundwater contour maps depicting groundwater flow direction at the site.

(17) A description of methods and equipment used to determine site-specific soil, geologic, hydrogeologic and aquifer properties.

(18) Sampling locations and rationale for selection of these locations.

(19) The results of a survey used to identify and sample public and private wells.

(20) Parameters analyzed for, analytical methods used and detection limits of these methods.

(21) Field and laboratory analytical results and interpretations.

(22) Contaminant distribution maps in the media and contaminant phases.

(23) A conceptual site model which describes the sources of contamination, the fate and transport of contaminants, actual and potential receptors, and evaluates the vapor intrusion pathway.

(24) The disposition of site characterization wastes.

(25) A copy of site-specific plans prepared and implemented for the provision of the following:

(i) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.

(ii) The data quality objectives and quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of site characterization data.

(26) The identification of the remediation standard which has or will be attained at the site.

(27) The Department's written determination that groundwater is not used or currently planned to be used, if needed to attain the remediation standard selected or to be selected.

(28) The impacts to ecological receptors as a result of the evaluation conducted in accordance with § 250.311 or § 250.402(d) (relating to evaluation of ecological receptors; and human health and environmental protection goals).

(29) The impacts to surface water as a result of the evaluation conducted in accordance with § 250.309 or § 250.406 (relating to MSCs for surface water; and relationship to surface water quality requirements).

(30) A summary of the remedial action option that will be used at the site to attain the selected remediation standard. The summary must include a description of the components of each option, a conceptual design and a description of any additional investigation needed to complete the design of each option.

(31) A risk assessment report in accordance with § 250.409 (relating to risk assessment report).

(32) A demonstration that no current or future exposure pathways exist following the procedures described in § 250.404 (relating to pathway identification and elimination).

(33) A report of additional tasks performed to meet the objectives in § 245.309(b).

(b) If the responsible party determines, after completion of interim remedial actions, that further site characterization is not required, that soil is the only media of concern, and that interim remedial actions have remediated the site, the responsible party may submit a site characterization report to the Department, in lieu of the report required in subsection (a), which contains the following:

(1) A concise statement that describes the release, including information such as the amount of regulated

substance that was released, the extent of contamination and interim remedial actions taken under § 245.306.

(2) Data demonstrating that the interim remedial actions have attained the Statewide health standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

(3) The basis for selection of the residential or nonresidential Statewide health standard.

(4) The results of the evaluation of ecological receptors conducted in accordance with § 250.311.

(5) Additional information as identified in subsection (a) necessary to fully describe the release, the extent of contamination and the interim remedial actions taken to address the release.

(c) Following submission of a complete site characterization report prepared under subsection (a), selecting the site-specific standard, or subsection (b), the Department will do one or more of the following:

(1) Review and approve the site characterization report as submitted.

(2) Review and approve the site characterization report with modifications made by the Department.

(3) Review and disapprove the site characterization report, citing deficiencies.

(4) Review and disapprove the site characterization report and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the site characterization report, perform the site characterization in whole or in part and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in performing the site characterization.

(d) The Department will take one or more of the actions listed in subsection (c) within 60 days of receipt of a site characterization report meeting the requirements in subsection (b) or within 90 days of receipt of a site characterization report selecting the site-specific standard. If the Department does not respond, in writing, within the allotted time, the report shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

§ 245.311. Remedial action plan.

(a) Unless a site characterization report is submitted in accordance with § 245.310(b) (relating to site characterization report), the responsible party shall prepare and submit to the Department two copies of the remedial action plan, unless directed otherwise. The remedial action plan must be submitted within 45 days of submission of a site characterization report required by § 245.310(a) selecting the background or Statewide health standard, within 45 days of deemed approval or receipt of a written approval of a site characterization report selecting the site-specific standard, or within an alternative time frame as determined by the Department. The remedial action plan must be submitted prior to its implementation, be complete and concisely organized and contain all of the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) A brief summary of the site characterization report conclusions.

(2) A copy of the plans relating to management of wastes generated and quality assurance/quality control

procedures, as they relate to the remedial action, if different from the plans submitted in accordance with § 245.310(a)(25).

* * * * *

(12) A description of proposed postremediation care requirements, including proposed activity and use limitations to be implemented under an environmental covenant.

(13) A description of additional items necessary to develop the remedial action plan.

(14) A description of any water supply that remains affected or diminished, the replacement system that was provided, the analytical results of samples taken, and any maintenance or monitoring required to ensure its functionality until the supply is no longer affected or diminished.

(b) Following submission of a complete remedial action plan selecting the background or Statewide health standard, the Department will publish an acknowledgment of receipt of the remedial action plan in the *Pennsylvania Bulletin* and do one or more of the following:

(1) Review and approve the site characterization report and remedial action plan as submitted.

(2) Review and approve the site characterization report and remedial action plan with modifications made by the Department.

(3) Review and disapprove the site characterization report and remedial action plan, citing deficiencies.

(4) Review and disapprove the site characterization report and remedial action plan and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the site characterization report and remedial action plan, prepare a remedial action plan or perform the remedial action in whole or in part, and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in preparing the remedial action plan or performing the remedial action.

(6) Publish a notice of its final action in the *Pennsylvania Bulletin*.

(c) Following submission of a complete remedial action plan selecting the site-specific standard, the Department will publish an acknowledgment of receipt of the remedial action plan in the *Pennsylvania Bulletin* and do one or more of the following:

(1) Review and approve the remedial action plan as submitted.

(2) Review and approve the remedial action plan with modifications made by the Department.

(3) Review and disapprove the remedial action plan, citing deficiencies.

(4) Review and disapprove the remedial action plan and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the remedial action plan, prepare a remedial action plan or perform the remedial action in whole or in part, and recover, in accordance with § 245.303(b), the Department's costs and expenses involved in preparing or performing the remedial action plan.

(6) Publish a notice of its final action in the *Pennsylvania Bulletin*.

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§ 245.312. Remedial action.

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(c) Each remedial action progress report shall provide the data generated during the reporting period and shall show the progress to date toward attainment of the selected remediation standard. Each report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

* * * * *

(4) Quantitative analytical results from replacement water supply system, groundwater, surface water, soil and sediment sampling.

* * * * *

(9) Demonstration that required Federal, State and local permits and approvals are being complied with.

(10) A summary of data collected from any water supply that remains affected or diminished, and any maintenance performed.

(11) A report of additional items necessary to describe the progress of the remedial action.

(d) The first remedial action progress report shall be received by the Department 3 months following the date of remedial action plan implementation or at an alternative interval as determined by the Department. The final remedial action progress report shall be submitted to the Department as part of the remedial action completion report.

(e) If during implementation of the remedial action plan the responsible party decides to change the remedial action plan, the responsible party shall prepare and submit, to the Department, a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, in accordance with § 245.311 (relating to remedial action plan).

(f) If during implementation of the remedial action plan the responsible party determines that continued implementation of the remedial action plan will cause additional environmental harm, the responsible party shall suspend remedial action and notify the Department, by telephone, within 24 hours of suspension. The responsible party shall prepare and submit a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, to the Department in accordance with § 245.311.

(g) If during implementation of the remedial action plan the Department determines that the remedial action plan will not attain the selected remediation standard or will cause additional environmental harm, the Department may require the responsible party to suspend remedial action and notify the Department, by telephone or e-mail, within 24 hours of suspension. The Department may require the responsible party to prepare and submit a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, to the Department in accordance with § 245.311.

§ 245.313. Remedial action completion report.

(a) When the selected remediation standard has been attained, the responsible party shall submit a remedial action completion report to the Department.

(b) The remedial action completion report must be complete and concisely organized and must contain the following elements, as necessary, based on the remediation standard attained:

(1) Data demonstrating that the remedial actions have attained the selected standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

(2) When the background standard has been attained, the remedial action completion report shall include the requirements in § 250.204(f) and (g) (relating to final report).

(3) When the Statewide health standard has been attained, the remedial action completion report shall include the requirements in § 250.312(a)—(h) (relating to final report).

(4) When the site-specific standard is attained, the remedial action completion report shall include the requirements in § 250.411(c), (d) and (f) (relating to final report).

(5) For fate and transport analyses, the following information, in addition to that required by § 250.204(f)(5):

(i) An isoconcentration map showing the configuration and concentrations of contaminants within the plume being analyzed.

(ii) Sufficient information from monitoring data to establish whether the plume is stable, shrinking or expanding.

(iii) Input parameters for the analysis and the rationale for their selection.

(iv) Figures showing the orientation of the model or analysis to the field data.

(v) Comparison and analysis of the model or mathematical output to the actual field data.

(c) Following submission of the remedial action completion report, the Department will publish an acknowledgment of receipt of the remedial action completion report in the *Pennsylvania Bulletin* and do one or more of the following:

(1) Review and approve the remedial action completion report as submitted.

(2) Review and approve the remedial action completion report with modifications made by the Department.

(3) Review and disapprove the remedial action completion report, citing deficiencies.

(4) Review and disapprove the remedial action completion report and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the remedial action completion report, perform the site characterization or remedial action and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in preparing the remedial action completion report.

(6) Publish a notice of its final action in the *Pennsylvania Bulletin*.

(d) The Department will take one or more of the actions listed in subsection (c) within 60 days of receipt of the remedial action completion report demonstrating attainment of the background or Statewide health standard, or within 90 days of receipt of a remedial action completion report demonstrating attainment of the site-specific standard. If the Department does not respond, in writing, within the allotted time, the report shall be

deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS

GENERAL

§ 245.402. Scope.

This subchapter applies to underground storage tank systems regulated under the act and this chapter.

§ 245.403. Applicability.

(a) *General.* The requirements in this subchapter apply to owners and operators, as well as installers and inspectors of underground storage tank systems as defined in § 245.1 (relating to definitions), except as otherwise provided in subsections (c) and (d).

(b) *Emergency power generator fuel tanks.* Underground storage tank systems that store fuel solely for use by emergency power generators must meet the requirements in §§ 245.441—245.446 (relating to release detection) as follows:

(1) Underground storage tank systems installed on or before November 10, 2007, must meet the requirements in §§ 245.441—245.446 on or before December 21, 2020.

(2) Underground storage tank systems installed after November 10, 2007, must meet the requirements in §§ 245.441—245.446 on or before December 22, 2019.

(3) Underground storage tank systems installed after December 22, 2018, must meet the requirements in §§ 245.441—245.446 at installation.

(c) *Partial exclusions.* Except as provided in paragraph (4), the following underground storage tank systems are not required to comply with §§ 245.411, 245.421(b)(3) and (4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436—245.446:

(1) A wastewater treatment tank system installed on or after May 7, 1985, that is not part of a wastewater treatment facility regulated under sections 307(b) or 402 of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342).

(2) An underground storage tank system installed on or after May 7, 1985, containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2296b-7).

(3) An underground storage tank system installed on or after May 7, 1985, that is part of an emergency generator system at a nuclear power generation facility licensed by the United States Nuclear Regulatory Commission and subject to United States Nuclear Regulatory Commission requirements regarding design and quality criteria, including 10 CFR Part 50 (relating to domestic licensing of production and utilization facilities).

(4) An underground storage tank system referenced in paragraph (1), (2), or (3) installed before May 7, 1985, is not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433 and 245.436—245.446.

(d) *Previously excluded underground storage tanks.* Underground storage tank systems that were not required to be registered with the Department prior to December 22, 2018, shall be registered with the Department by February 20, 2019. Underground storage tanks include all of the following:

(1) Field-constructed underground storage tanks installed on or before October 11, 1997, that the Depart-

ment previously did not require to be registered as a matter of policy. These tanks are temporarily excluded from §§ 245.421, 245.422, 245.431, 245.432, 245.437 and 245.441—245.446, until December 22, 2019.

(2) Underground storage tank systems referenced in subsection (c)(1)—(3) installed on or before December 22, 2018.

§ 245.404. Variances.

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter:

* * * * *

INSPECTIONS

§ 245.411. Inspection frequency.

(a) *Inspection of underground storage tank systems.* Underground storage tank owners or operators shall have their underground storage tank systems inspected by a certified inspector at the frequency in subsections (b) and (c). The inspection shall include release detection, assessment of the underground storage tank system and ancillary equipment, operation of overflow and spill prevention equipment where practicable, corrosion protection testing, or verification that corrosion protection is functional, and release prevention measures.

(b) *Initial inspections.* Newly installed underground storage tank systems shall be inspected between 6 to 12 months after installation. If the tank ownership changes, an inspection of the underground storage tank system shall be completed between the first 6 to 12 months of operation unless another time frame is agreed to by the Department.

(c) *Subsequent inspections.*

(1) The interval between subsequent inspections may not exceed 3 years (36 months) beginning after the last inspection, except as provided in paragraph (2).

(2) An inspection in addition to those required in subsection (b) and paragraph (1) may be required by the Department when the prior inspection determined release detection, corrosion protection or operational violations occurred, or when the Department determines the inspection is necessary to verify compliance with this subchapter.

(d) *Training.* The Department may require facility owners and operators to successfully complete a release detection, release prevention or operator training course, such as those offered by Nationally recognized associations or professional industry trainers approved under § 245.141 (relating to training approval), when related violations are documented through an inspection. Owners and operators of underground storage tanks that the Department determines through inspection are failing to meet EPA guidelines for significant operational compliance shall be retrained in a manner consistent with the training recommended in Department guidance entitled "Underground Storage Tank Class A and Class B Operator Training Courses." The owner or operator shall incur the costs of the training.

**UNDERGROUND STORAGE TANK SYSTEMS:
DESIGN, CONSTRUCTION, INSTALLATION AND
NOTIFICATION**

§ 245.421. Performance standards for underground storage tank systems.

(a) *New underground storage tank systems.*

(1) Underground storage tank systems installed or replaced after November 10, 2007, must have total secondary containment, which consists of double-walled tanks, double-walled piping (for piping that routinely contains and conveys regulated substances (product)) and liquid-tight containment sumps. The sumps must be installed at piping connections that routinely contain and convey product from the tank, such as tank-top sumps and dispenser pan sumps, that allow for release detection monitoring of the system (See PEI RP 100). Also, new or replacement tank systems installed with pressurized product piping systems must be equipped with automatic line leak detectors and automatic pump shutoff devices that meet the requirements of § 245.445(1) (relating to methods of release detection for piping).

(2) At least 30 days prior to the installation of a tank, piping system, replacement or additional dispenser, or underground storage tank system, or within another reasonable time frame agreed upon by the Department, owners and operators shall notify the Department of the proposed installation on a form provided by the Department.

(3) An owner or operator of an underground storage tank changing from unregulated to regulated service shall provide certification by a Department-certified installer that the underground storage tank system meets new underground storage tank system requirements, on a form provided by the Department, prior to placing product into the tank and operating the storage tank system.

(b) To prevent releases due to structural failure, corrosion or spills and overfills for as long as the underground storage tank system is used to store regulated substances, owners and operators of new and existing underground storage tank systems shall ensure that the system meets the following requirements:

(1) *Tanks.* A tank must be properly designed and constructed. A tank or portion of a tank including the outer metallic wall of a double-walled tank that is underground and routinely contains product shall be protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory, using one of the following methods:

(i) The tank is constructed of fiberglass-reinforced plastic.

(ii) The tank is constructed of steel and cathodically protected in the following manner:

(A) The tank is coated with a suitable dielectric material.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed by a corrosion expert and allow determination of current operating status as required in § 245.432(a)(3) (relating to operation and maintenance including corrosion protection).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The tank is constructed of steel and clad or jacketed with a non-corrodible material.

(iv) The tank is constructed of metal without additional corrosion protection measures if:

(A) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the tank.

(2) *Piping.* The piping and ancillary equipment that routinely contain regulated substances shall be protected from corrosion and deterioration. New piping systems that routinely contain and convey regulated substances from the tank must be double-walled with liquid-tight containment sumps installed in accordance with paragraph (4)(ii). Whenever 50% or more of the existing piping that routinely contains and conveys product from the tank is replaced, the entire piping system that routinely contains and conveys product from the tank shall be replaced meeting the requirements for new piping systems in this section. The portions of the product piping system, including joints, flexible connectors and ancillary equipment that are in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory using one of the following methods:

(i) The piping or component is constructed of nonmetallic material such as fiberglass reinforced plastic or other noncorrodible and UL listed material.

(ii) The piping or component is constructed of metal and cathodically protected in the following manner:

(A) The piping is coated with a suitable dielectric material. The wrapping of piping with tape or similar material alone does not meet this requirement.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed by a corrosion expert and allow determination of current operating status as required in § 245.432(a)(3).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The piping is constructed of metal without additional corrosion protection measures if:

(A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the piping.

(3) *Spill and overflow prevention equipment.*

(i) Except as provided in subparagraph (vi), to prevent spilling and overflowing associated with product transfer to the underground storage tank system, owners and operators shall ensure that their systems have the following spill and overflow prevention equipment permanently installed:

(A) Spill prevention equipment that will prevent release of product to the environment when the transfer

hose is detached from the fill pipe—for example, a spill catchment basin or spill containment bucket.

(B) Overfill prevention equipment that will do one or more of the following:

(I) Automatically shut off flow into the tank when the tank is no more than 95% full.

(II) Alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm.

(ii) Bypassing overfill protection is prohibited. For example, bypassing the ball float valve with coaxial stage-1 vapor recovery systems or a spill containment bucket drain valve is prohibited.

(iii) Ball float valves may not be used to comply with this subsection when overfill prevention is installed or replaced after December 22, 2018.

(iv) Existing ball float valves may not be used on suction pump systems having an air eliminator, or on any system having coaxial stage-1 vapor recovery systems or receiving pressurized pump deliveries.

(v) Spill and overfill prevention equipment must be periodically tested or evaluated in accordance with § 245.437 (relating to periodic testing). Required tests shall be documented on a form provided by the Department and shall be maintained onsite at the storage tank facility or at a readily available alternative site.

(vi) Owners and operators are not required to use the spill and overfill prevention equipment specified in subparagraph (i) if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

(4) *Installation.*

(i) Underground storage tank systems shall be properly installed and system integrity tested in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

(ii) Spill prevention equipment and containment sumps must be constructed to be liquid-tight, and shall be tested prior to use of the system to confirm liquid-tight construction using a hydrostatic test, vacuum test or other Nationally recognized liquid-tight testing procedure or method recommended by the containment equipment manufacturer.

(iii) Overfill prevention equipment shall be properly installed and tested in accordance with a code of practice developed by a Nationally recognized association, and in accordance with manufacturer's instructions.

§ 245.422. **Upgrading of existing underground storage tank systems.**

(a) *Alternatives allowed.* By December 22, 1998, existing underground storage tank systems shall comply with one of the following requirements:

(1) Underground storage tank system performance standards under § 245.421(b) (relating to performance standards for underground storage tank systems).

(2) The upgrading requirements in subsections (b)—(d).

(3) Closure requirements under §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure), including applicable requirements for corrective action under Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(b) *Tank upgrading requirements.* Steel tanks shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory:

(1) *Interior lining.* A tank may only be upgraded by internal lining for corrosion protection prior to November 10, 2007. Existing lined tanks must meet the following conditions:

(i) The lining was installed in accordance with § 245.434 (relating to repairs allowed).

(ii) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally evaluated by, or under the direct onsite supervision of a certified tank liner (TL) or by a professional engineer adhering to the evaluation process developed by a National association (See API 1631 and NLP A 631) and found to be structurally sound with the lining still performing in accordance with original design specifications. The evaluation findings shall be documented on a form approved by the Department and shall be maintained at the facility for the duration of the tank's operating life.

(iii) Lined tank systems that do not meet original design specifications or have not been evaluated as required in subparagraph (ii) shall be emptied, removed from service, and permanently closed in accordance with §§ 245.451 and 245.452 (relating to temporary removal from service (out-of-service); and permanent closure and changes-in-service).

(2) *Cathodic protection.* A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements in § 245.421(b)(1)(ii)(B)—(D) and the integrity of the tank is ensured using one or more of the following methods:

(i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system.

(ii) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators shall maintain records that demonstrate compliance with this requirement for the remaining life of the tank.

(iii) The tank is assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than subparagraph (i).

(3) *Internal lining combined with cathodic protection.* A tank upgraded prior to November 10, 2007, having both internal lining and cathodic protection must meet the following:

(i) The lining was installed in accordance with the requirements in § 245.434.

(ii) The cathodic protection system meets § 245.421(b)(1)(ii)(B)—(D).

(c) *Piping upgrading requirements.* Metal piping and fittings that routinely contain regulated substances and are in contact with the ground must be one or more of the following:

(1) Replaced with piping meeting the requirements of new piping in § 245.421(b)(2)(i) and (ii).

(2) Cathodically protected in accordance with a code of practice developed by a Nationally recognized association

or independent testing laboratory and meets the requirements in § 245.421(b)(2)(ii)(B)—(D).

(3) Installed at a site that is determined to not be corrosive enough to cause a release due to corrosion for the remaining operating life of the piping under § 245.421(b)(2)(iii).

(d) *Spill and overflow prevention equipment.* To prevent spilling and overflowing associated with product transfer to the underground storage tank system, underground storage tank systems must comply with underground storage tank system spill and overflow prevention equipment requirements in § 245.421(b)(3) and (4).

(e) *Under-dispenser containment.* When an existing dispenser is replaced with another dispenser and equipment at or below the shear valve needed to connect the dispenser to the underground storage tank system is replaced, under-dispenser containment meeting the requirements in § 245.421(b)(4)(ii) is required. This equipment may include check valves, shear valves, vertical risers, flexible connectors or other transitional components. Under-dispenser containment shall also be installed when a major modification as defined in § 245.1 (relating to definitions) is performed at the dispenser area involving excavation beneath the dispenser.

§ 245.423. (Reserved).

GENERAL OPERATING REQUIREMENTS

§ 245.432. Operation and maintenance including corrosion protection.

(a) Owners and operators of metal underground storage tank systems with corrosion protection shall comply with all of the following requirements to ensure that releases due to corrosion are prevented until the underground storage tank system is permanently closed or undergoes a change-in-service in accordance with § 245.452 (relating to permanent closure and changes-in-service).

(1) Corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances.

(2) Underground storage tank systems equipped with cathodic protection systems shall be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) *Frequency.* Cathodic protection systems shall be tested within 6 months of installation and at least every 3 years thereafter.

(ii) *Inspection criteria.* The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a Nationally recognized association.

(iii) *Documentation.* Surveys of cathodic protection systems required under this chapter shall be documented on a form provided by the Department and shall be provided to the Department upon request.

(3) Underground storage tank systems with impressed current cathodic protection systems shall be checked every 60 days to ensure the equipment is functioning as designed. At a minimum, the operator or person conducting the 60-day check shall document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.

(4) For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained, in accordance with § 245.435 (relating to reporting and recordkeeping) to demonstrate compliance with the performance standards in this section. These records must provide the following:

(i) The results of the last three checks required in paragraph (3).

(ii) The results of testing from the last two surveys required in paragraph (2).

(b) Monitoring and observation wells shall be clearly identified using industry codes and standards, and caps shall be secured to prevent unauthorized or accidental access.

(c) Underground storage tank systems and storage tank system components, including tanks, piping, line leak detectors, product sensors and probes, containment sumps, measuring devices (including gauge sticks), gauges, corrosion protection, spill prevention, overflow prevention and other appurtenances whose failure could contribute to a release of product, shall be maintained in a good state of repair to ensure they function as designed.

(d) Tanks which have been lined and have not had corrosion protection added in accordance with § 245.422(b)(2) (relating to upgrading of existing underground storage tank systems) shall have the lining evaluated by, or under the direct onsite supervision of, a TL certified tank installer or by a professional engineer.

(1) Evaluations must adhere to an evaluation process developed by a National association identified in § 245.405 (relating to codes and standards) (See API 1631 and NLP 631) as follows:

(i) Ten years after lining installation.

(ii) Every 5 years after the preceding evaluation.

(2) Each evaluation finding shall be documented on a form approved by the Department and shall be maintained at the facility for the duration of the tank's operating life.

(e) Lined tank systems that do not meet original design specifications or have not been evaluated as required in subsection (d)(1) and (2) shall be emptied, removed from service and permanently closed in accordance with § 245.451 (relating to temporary removal from service (out-of-service)) and § 245.452.

(f) Primary and secondary containment structures, containment sumps and spill prevention equipment must be maintained in a leak-free condition. If any liquid or regulated substance is detected, the liquid or regulated substance shall be immediately removed and the defective component, if applicable, shall be repaired in accordance with § 245.434 (relating to repairs allowed). Repairs, including those performed to stop infiltration, shall be tested in accordance with § 245.434(4).

(g) A check for water in petroleum tanks shall be performed monthly and excess water shall be promptly removed as necessary. Water may not exceed the tank manufacturer's recommendations, product supplier's guidelines, or 2 inches of accumulation in the bottom of the tank, whichever is less. No amount of water is desirable in gasoline containing ethanol. Therefore, water should not be allowed to accumulate in tanks containing ethanol. Excess water shall be properly managed in accordance with applicable State and Federal requirements, such as Chapter 299 (relating to storage and transportation of residual waste), 40 CFR Part 261,

Subpart B (relating to criteria for identifying the characteristics of hazardous waste and for listing hazardous waste) and 29 CFR Part 1910 (relating to occupational safety and health standards).

§ 245.433. Compatibility.

(a) Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.

(b) Upon Department request, an owner and operator of an underground storage tank shall submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank.

(c) An owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of the following:

(1) Certification or listing of the underground storage tank system equipment or component by a Nationally recognized, independent testing laboratory for use with the substance stored.

(2) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer.

(3) Verification by a Pennsylvania-licensed professional engineer who has knowledge, experience and training in materials science that the equipment or component is compatible with the substance stored. The Department may request documentation supporting the professional engineer's verification.

(4) Another option that is determined by the Department to be at least as protective of human health and the environment as those in paragraphs (1)—(3).

§ 245.434. Repairs allowed.

Owners and operators of underground storage tank systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store regulated substances. The repairs must meet the following requirements:

(1) Repairs involving a tank handling activity shall be performed by or under the direct, onsite supervision and control of a certified installer.

(2) Repairs to underground storage tank systems shall be properly conducted in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(3) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Noncorrodible pipes and fittings may be repaired; repairs shall be made in accordance with the manufacturer's specifications.

(4) Repairs to secondary containment areas of tanks and piping, containment sumps and spill prevention equipment shall be tested for tightness according to the manufacturer's instructions, a code of practice developed by a Nationally recognized association or independent testing laboratory prior to returning the underground storage tank system to operating status. All other repairs to tanks, containment sumps and piping shall be tight-

ness tested in accordance with §§ 245.421(b)(4)(ii), 245.444(2) and 245.445(2) (relating to performance standards for underground storage tank systems; methods of release detection for tanks; and methods of release detection for piping), respectively, prior to placing the underground storage tank system back into service except as provided as follows:

(i) The repaired tank is internally inspected in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(ii) Another test method is used that is determined by the Department to be at least as protective of human health and the environment as listed in subparagraph (i).

(5) Within 6 months following the repair of a cathodically protected underground storage tank system, the cathodic protection system shall be tested in accordance with § 245.432(a)(2) and (3) (relating to operation and maintenance including corrosion protection) to ensure that it is operating properly.

(6) Underground storage tank system owners and operators shall maintain records of each repair, including those in response to a release, for the remaining operating life of the underground storage tank system.

§ 245.435. Reporting and recordkeeping.

(a) Owners and operators of underground storage tank systems shall maintain records as required under this chapter and provide records, as requested, and cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors. Owners and operators shall provide records and cooperate fully in response to requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act (35 P.S. § 6021.107(c)).

(b) Owners and operators shall maintain required records either onsite at the storage tank facility or at a readily available alternative site. Records maintained at the storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

(c) *Reporting.* Owners and operators shall submit the following applicable information to the Department:

(1) Notification in accordance with § 245.41 (relating to tank registration requirements) for underground storage tank systems, including change of ownership, closure of an underground storage tank system, change of substance stored and change of tank status, and certification of installation for new underground storage tank systems (§ 245.421(c) (relating to performance standards for underground storage tank systems)).

(2) Reports of confirmed releases (§ 245.305(c) (relating to reporting releases)).

(3) A site characterization report (§ 245.310 (relating to site characterization report)).

(4) Remedial action plans (§ 245.311 (relating to remedial action plan)), remedial action progress reports (§ 245.312 (relating to remedial action)) and remedial action completion reports (§ 245.313 (relating to remedial action completion report)).

(5) A notification before installation, permanent closure or change-in-service of a storage tank or storage tank

system (§ 245.421(a)(2) and § 245.452(a) (relating to permanent closure and changes-in-service)).

(6) In the case of permanent closure, closure records to the Department when requested.

(d) *Recordkeeping.* Owners and operators shall maintain all of the following records for underground storage tank systems for the operational life of the system and retain the records for a minimum of 1 year after the underground storage tank system has been permanently closed:

(1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (§ 245.421(b)(1)(iv) and (2)(iii) and § 245.422(b)(2)(iv) and (c)(3) (relating to upgrading of existing underground storage tank systems)).

(2) The corrosion expert's design of an impressed current system or field-installed cathodic protection system or similar information that demonstrates compliance with §§ 245.421(b)(2)(ii)(B) and 245.422(b)(2) and (c)(2).

(3) Documentation of underground storage tank system installation, modification and upgrade activities.

(4) Underground storage tank system assessment records prior to upgrading in accordance with § 245.422(b).

(5) Documentation of the installation testing and commissioning reports required for corrosion protection systems by manufacturers and National standards in accordance with § 245.432 (relating to operation and maintenance including corrosion protection).

(6) Documentation of underground storage tank system repairs.

(7) Tank lining evaluation reports (§ 245.432(d)).

(8) Documentation showing Department approval for a variance or alternate leak detection method (§§ 245.404 and 245.443 (relating to variances; and requirements for hazardous substance underground storage tank systems)).

(9) Documentation showing the owner or operator of an underground storage tank system is continuously participating in the USTIF.

(10) The current Storage Tank Registration/Permit Certificate.

(11) Tank and piping release detection records for the past 12 months, including written certifications or performance claims for the release detection methods in use (§ 245.446 (relating to release detection recordkeeping)).

(12) The last annual check/testing, and maintenance records of leak detection equipment including probes, monitors, line leak detectors and automatic tank gauges that verify they are working properly and tested as required by the equipment manufacturers and this chapter.

(13) Documentation of the last three impressed current cathodic protection system checks for each 60-day period in accordance with § 245.432.

(14) The last two cathodic protection surveys, done at 3-year intervals, on impressed current and galvanic cathodic protection systems in accordance with § 245.432.

(15) Results of the site investigation conducted at permanent closure or change-in-service (§ 245.455 (relating to closure records)).

(16) A properly completed closure report required under § 245.452(f).

(17) Documentation of the last test that demonstrates each containment sump and spill prevention equipment installed or repaired after November 10, 2007, were tested and verified to be liquid-tight in accordance with § 245.421(b)(4) and § 245.434(4) (relating to repairs allowed).

(18) Documentation of operator training, including verification of training for current Class A, Class B and Class C operators, current list of operators and written instructions or procedures for Class C operators in accordance with § 245.436 (relating to operator training).

(19) For owners and operators conducting periodic testing of containment sumps and spill prevention equipment and evaluations of overfill prevention under § 245.437 (relating to periodic testing), documentation of the last test for the containment sump and spill prevention equipment and evaluation of the overfill prevention equipment.

(20) For owners and operators conducting periodic testing of containment sumps and spill prevention equipment under § 245.437(a)(1)(i), documentation showing that the equipment is double-walled and the integrity of both walls is periodically monitored in accordance with § 245.438(a)(1)(i) (relating to periodic operation and maintenance walkthrough inspections) for as long as the equipment is monitored by walkthrough inspection.

(21) Records of walkthrough inspections as required under § 245.438 for the past 12 months. Records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue and delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.

(22) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

§ 245.436. Operator training.

(a) *Requirement for trained operators.*

(1) An owner shall designate Class A, Class B and Class C operators for each underground storage tank system or storage tank facility that has underground storage tanks permitted to operate by the Department.

(2) A storage tank facility may not operate unless operators have been designated and trained as required in this section, unless otherwise agreed upon by the Department.

(3) Trained operators shall be readily available to respond to suspected/confirmed releases, other unusual operating conditions and equipment shut-offs or failures.

(i) The Class A or Class B operator shall be available for immediate telephone consultation when a storage tank facility is in operation. A Class A or Class B operator must be able to be onsite at the storage tank facility within 24 hours.

(ii) Storage tank facilities that dispense motor fuel for retail sales to the general public shall be manned by an onsite Class C operator when open for business with the public in accordance with 34 Pa. Code §§ 14a.115 and 14a.117 (relating to attended self-service stations; and supervision of dispensing). During an unexpected absence of a Class C operator, such as employee no-shows or call-offs, an onsite Class A or Class B operator may fill-in or temporarily substitute for the Class C operator. Storage tank facilities that do not dispense motor fuel to the

general public may be manned based on the facility owner's requirements and routine operational needs. Emergency contact information and written instructions and procedures in the event of an emergency shall be immediately available upon request.

(iii) For storage tank facilities that do not dispense motor fuel for retail sales to the general public, a Class C operator shall be available for immediate telephone consultation and shall be able to be onsite within 2 hours of being contacted. Emergency contact information and written instructions and procedures in the event of an emergency must be prominently displayed at the site and visible to the storage tank user.

(4) A person may be designated for more than one class of operator.

(b) *Operator classes.*

(1) *Class A operator.* A Class A operator has primary responsibility to operate and maintain the underground storage tank system and facility. The Class A operator's responsibilities typically include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. In general, this person focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to properly operate and maintain the underground storage tank system and facility.

(i) A Class A operator assists the owner by ensuring that underground storage tank systems are properly installed and expeditiously repaired, and records of system installation, modification and repair are retained and made available to the Department and certified IUM inspectors.

(ii) A Class A operator shall be familiar with training requirements for each class of operator and may provide required training for Class C operators.

(iii) A Class A operator may prepare site drawings that indicate equipment locations for Class C operators and routine maintenance checklists for Class B operators.

(iv) Department-certified installers and inspectors with current underground storage tank UMX, UMI or IUM certification categories may perform Class A operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers and inspectors identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d) (relating to inspection frequency).

(B) A certified IUM inspector may not perform an inspection as required in § 245.411 for a facility where the inspector is also the designated Class A operator. (See § 245.106 (relating to conflict of interest).)

(2) *Class B operator.* A Class B operator implements applicable underground storage tank regulatory requirements and standards in the field or at the storage tank facility. This person oversees and implements the day-to-day aspects of operations, maintenance and recordkeeping for the underground storage tank systems at one or more facilities. For example, the Class B operator ensures that release detection methods, release prevention equipment and related recordkeeping and reporting requirements are met, relevant equipment manufacturer's or third-party performance standards are available and followed, and appropriate persons are trained to properly respond to

potential emergencies caused by releases or spills from underground storage tank systems at the facility.

(i) A Class B operator checks spill and overflow prevention equipment and corrosion protection equipment to ensure that they are functioning properly and that any required system tests are performed at required intervals.

(ii) A Class B operator assists the owner by ensuring that release detection equipment is operational, release detection is performed at the proper intervals and release detection records are retained and made available to the Department and certified IUM inspectors.

(iii) A Class B operator shall be totally familiar with Class B and Class C operator responsibilities, and may provide required training for Class C operators.

(iv) Department-certified installers and inspectors with current underground storage tank UMX, UMI or IUM certification categories may perform Class B operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers and inspectors identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d).

(B) A certified IUM inspector may not perform an inspection as required in § 245.411 for a facility where the inspector is also the designated Class B operator. (See § 245.106.)

(3) *Class C operator.* A Class C operator is the first line of response to events indicating emergency conditions and may control or monitor the dispensing or sale of regulated substances. This person is responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tank systems and associated equipment failures. The Class C operator shall notify the Class A or Class B operator and appropriate emergency responders when necessary, based on the nature or type of emergency.

(c) *Required training.*

(1) *Class A operators.* A Class A operator shall successfully complete a training course approved under § 245.141 (relating to training approval) that includes a general knowledge of underground storage tank system requirements. Training must provide information that should enable the operator to make informed decisions regarding compliance and to ensure that appropriate persons are fulfilling operation, maintenance and recordkeeping requirements and standards of this chapter or Federal underground storage tank requirements in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)), or both, including the following:

- (i) Spill and overflow prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Financial responsibility.
- (vii) Notification and storage tank registration requirements.
- (viii) Temporary removal from service (out-of-service) and permanent closure requirements.

(ix) Operator training requirements.

(2) *Class B operators.* A Class B operator shall successfully complete a training course approved under § 245.141 that includes an in-depth understanding of operation and maintenance aspects of underground storage tank systems and related regulatory requirements. Training must provide specific information on the components of underground storage tank systems, materials of construction, methods of release detection and release prevention applied to underground storage tank systems and components. Training must address operation and maintenance requirements in this chapter or Federal underground storage tank requirements in 40 CFR Part 280, or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection and related testing.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Reporting and recordkeeping requirements.
- (vii) Class C operator training requirements.

(3) *Class C operators.* At a minimum, training provided by the tank owner or Class A or Class B operator must be site-specific and enable the Class C operator to take action in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment and that require immediate action, caused by spills or releases and alarms from an underground storage tank system. Training must include written instructions or procedures for the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(4) *Class A and Class B operators.* Successful completion for Class A and Class B operators means attendance for the entire training course and demonstration of knowledge of the course material as follows:

(i) Receipt of a passing grade under § 245.141(b)(4), on an examination of material presented in the training course, or demonstration through practical (hands-on) application to the trainer, operation and maintenance checks of underground storage tank equipment, including performance of release detection at the storage tank facility, at the conclusion of onsite training.

(ii) Receipt of a training certificate by an approved trainer upon verification of successful completion of training under this paragraph.

(5) *Costs of training.* The tank owner or operator shall incur the costs of the training.

(d) *Timing of training.*

(1) An owner shall ensure that Class A, Class B and Class C operators are trained and identified on a form provided by the Department prior to placing the underground storage tank system into use.

(2) When a Class A or Class B operator is replaced, a new operator shall be trained within 30 days of assuming duties for that class of operator.

(3) Class C operators shall be trained before assuming duties of a Class C operator. Written instructions or procedures shall be provided to Class C operators to follow and to provide notification necessary in the event of emergency conditions. Class C operators shall be briefed on these instructions or procedures at least annu-

ally (every 12 months), which may be concurrent with annual safety training required by the Occupational Safety and Health Administration, under 29 CFR Part 1910 (relating to occupational safety and health standards).

(e) *Documentation.*

(1) The owner of a storage tank facility shall prepare a list of designated operators. The list must represent the current Class A, Class B and Class C operators for the storage tank facility and include:

(i) The name of each operator, class of operation trained for and the date each operator successfully completed initial training and refresher training, if any.

(ii) For Class A and Class B operators that are not permanently onsite or assigned to more than one facility, telephone numbers to contact the operators.

(2) A copy of the certificates of training for Class A and Class B operators shall be on file and readily available and a copy of the facility list of Class A, Class B and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for storage tank facilities that dispense motor fuel for retail sales to the general public. Storage tank facilities that do not dispense motor fuel for retail sales to the general public shall have this information readily available. (See § 245.435(d)(18) (relating to reporting and recordkeeping).)

(3) Class C operator or owner contact information, including names and telephone numbers, and emergency procedures shall be conspicuously posted at storage tank facilities that do not dispense motor fuel for retail sales to the general public.

§ 245.437. Periodic testing.

(a) Owners and operators of underground storage tank systems shall ensure installed equipment for release detection and prevention is operating properly by meeting all of the following requirements:

(1) Containment sumps used for interstitial monitoring of piping in accordance with § 245.444(6) (relating to methods of release detection for tanks) and spill prevention equipment must meet one of the following:

(i) When the containment sump or spill prevention equipment is double-walled, the integrity of both walls shall be periodically monitored by maintenance walk-through inspections as required under § 245.438 (relating to periodic operation and maintenance walkthrough inspections). If walkthrough inspections are discontinued, the owner and operator shall comply with subparagraph (ii) and conduct a test within 30 days of the last inspection.

(ii) Containment sumps and spill prevention equipment shall be tested at least once every 3 years to ensure the equipment is liquid-tight by using vacuum, pressure or liquid.

(2) Overfill prevention equipment shall be evaluated at least once every 3 years. At a minimum, the evaluation shall ensure that overfill prevention equipment is set to activate at the correct level specified in § 245.421(b)(3) (relating to performance standards for underground storage tank systems) and must activate when the regulated substance stored reaches that level.

(3) Electronic and mechanical components of release detection equipment shall be tested for proper operation

at least annually. At a minimum, required tests, as applicable to the facility, shall cover all of the following components and criteria:

(i) Automatic tank gauges and other controllers must be tested by:

- (A) Testing alarm.
- (B) Verifying system configuration.
- (C) Testing battery backup.

(ii) Probes and sensors shall be tested by:

- (A) Inspecting for residual buildup.
- (B) Ensuring that floats move freely.
- (C) Ensuring the shaft is not damaged.
- (D) Ensuring cables are free of kinks and breaks.

(E) Testing alarm operability or running condition and communication with controller.

(iii) Automatic line leak detectors shall be tested to meet criteria in § 245.445 (relating to methods of release detection for piping) by simulating a leak.

(iv) Vacuum pumps and pressure gauges shall be tested to ensure proper communication with sensors and controller.

(v) Handheld electronic sampling equipment associated with groundwater and vapor monitoring shall be tested to ensure proper operation.

(b) Owners and operators of underground storage tank systems shall ensure tests and evaluations required under this section are performed in accordance with one of the following criteria:

- (1) Requirements developed by the manufacturer.
- (2) Code of practice developed by a Nationally recognized association or independent testing laboratory.
- (3) Requirements determined by the Department to be no less protective of human health and the environment than the requirements in paragraphs (1) and (2).

(c) Owners and operators shall comply with the periodic testing requirements in this section as follows:

(1) For underground storage tank systems installed on or before December 22, 2018, owners and operators shall ensure tests and inspections as required under this section are performed prior to the next required underground storage tank inspection occurring after December 22, 2019, or not later than December 21, 2021, whichever occurs first.

(2) For underground storage tank systems installed after December 22, 2018, these requirements apply at installation.

(d) Test liquids used to perform tests as required in this chapter shall be reused, treated or disposed in accordance with applicable requirements in Chapters 91, 92a, 260a—270a and 287—299.

§ 245.438. Periodic operation and maintenance walk-through inspections.

(a) To properly operate and maintain spill prevention and release detection equipment part of underground storage tank systems, no later than December 22, 2019, owners and operators shall conduct walkthrough inspections at a minimum of every 30 days, with the exception of spill prevention equipment at underground storage tank systems receiving deliveries at intervals greater than every 30 days, which may be checked prior to each

delivery. The walkthrough inspection shall include, at a minimum, all of the following:

(1) For spill prevention equipment:

- (i) Visually check for damage.
- (ii) Remove liquid or debris.
- (iii) Check for and remove obstructions in the fill pipe.
- (iv) Check the fill cap to make sure it is securely on the fill pipe.

(v) For double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area.

(2) For release detection equipment:

(i) Check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present.

(ii) Ensure records of release detection testing are reviewed and current.

(b) To properly operate and maintain containment sumps and handheld release detection equipment part of underground storage tank systems, no later than December 22, 2019, owners and operators shall conduct walk-through inspections at a minimum of every 12 months that include, at a minimum, all of the following:

(1) For containment sumps:

(i) Visually check for damage and the presence of liquid or debris.

(ii) Remove liquid or debris.

(iii) For double-walled sumps with interstitial monitoring, check for a leak in the interstitial area.

(2) For handheld release detection equipment, check devices such as tank gauge sticks or groundwater bailers for operability and serviceability.

(c) Owners and operators of underground storage tank systems shall ensure operation and maintenance walk-through inspections required under this section are performed in accordance with one of the following criteria, unless the Department determines that a more stringent requirement is necessary to avoid releases of regulated substances from underground storage tank systems:

(1) Requirements developed by the manufacturer.

(2) Code of practice developed by a Nationally recognized association or independent testing laboratory.

(3) Requirements determined by the Department to be no less protective of human health and the environment than the requirements in paragraphs (1) and (2).

RELEASE DETECTION

§ 245.441. General requirements for underground storage tank systems.

(a) Owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that:

(1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product.

(2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition.

(3) Meets the performance requirements in § 245.444 or § 245.445 (relating to methods of release detection for tanks; and methods of release detection for piping), with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods in §§ 245.444 and 245.445 must be capable of detecting the leak rate or quantity specified for that method in the corresponding section of this subchapter with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05.

(i) Test method performance claims shall be verified by an independent third-party using leak rates that are unknown to the tester.

(ii) When the EPA evaluation protocol for a method changes, the manufacturer shall reevaluate the method within 24 months of the new protocol's effective date for its continued use in this Commonwealth.

(b) When a release detection method operated in accordance with the performance standards in §§ 245.444 and 245.445 indicates a release may have occurred, owners and operators shall investigate the suspected release in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(c) Owners and operators of underground storage tank systems shall comply with the release detection requirements in this subchapter.

(d) An existing tank system that cannot apply a method of release detection that complies with this subchapter must immediately empty the tank and complete the closure procedures in §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure).

§ 245.442. Periodic monitoring requirements for petroleum underground storage tank systems.

(a) Owners and operators of underground storage tank systems that store petroleum installed after November 10, 2007, and underground piping installed after November 10, 2007, that routinely contain regulated substances shall perform interstitial monitoring in accordance with § 245.444(6) (relating to methods of release detection for tanks) at least once every 30 days. Underground piping installed after November 10, 2007, that conveys regulated substances under pressure must be equipped and operated with an automatic line leak detector with an automatic pump shut off device in accordance with § 245.445(1) (relating to methods of release detection for piping). Release detection is not required for suction piping that meets the requirements in subsection (b)(2)(ii)(A)—(E).

(b) Owners and operators of petroleum underground storage tank systems installed on or before November 10, 2007, shall provide release detection for tanks and piping as follows:

(1) *Tanks.* Tanks shall be monitored at least every 30 days for releases using one of the methods in § 245.444(1)—(8).

(2) *Piping.* Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

* * * * *

§ 245.443. Requirements for hazardous substance underground storage tank systems.

Owners and operators of hazardous substance underground storage tank systems shall provide release detection that meets the following requirements:

(1) Hazardous substance underground storage tank systems installed after November 10, 2007, shall perform interstitial monitoring in accordance with § 245.444(6) (relating to methods of release detection for tanks).

(2) Release detection at hazardous substance underground storage tank systems installed on or before November 10, 2007, must meet the following requirements:

(i) Secondary containment systems.

(A) Secondary containment systems shall be designed, constructed and installed to:

(I) Contain regulated substances released from the tank system until they are detected and removed.

(II) Prevent the release of regulated substances to the environment at any time during the operational life of the underground storage tank system.

(III) Be checked for evidence of a release at least every 30 days.

(3) The provisions of 40 CFR 264.193 (relating to containment and detection of releases) may be used to comply with the requirements in this paragraph.

(i) Double walled tanks shall be designed, constructed and installed to:

(A) Contain a release from any portion of the inner tank within the outer wall.

(B) Detect the failure of the inner wall.

(ii) External liners, including vaults, shall be designed, constructed and installed to:

(A) Contain 100% of the capacity of the largest tank within its boundary.

(B) Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances.

(C) Surround the tank completely making it capable of preventing lateral as well as vertical migration of regulated substances.

(4) Underground piping shall be equipped with secondary containment that satisfies the requirements in subparagraph (i) for example, trench liners, jacketing or double-walled pipe. In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with § 245.445(1) (relating to methods of release detection for piping).

(5) Other methods of release detection may be used if owners and operators:

(1) Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in § 245.444(1)—(8) can detect a release of petroleum.

(ii) Provide information to the Department on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the underground storage tank site.

(iii) Obtain approval from the Department to use the alternate release detection method before the installation and operation of the new underground storage tank system.

§ 245.444. Methods of release detection for tanks.

Each method of release detection for tanks used to meet the requirements in §§ 245.441 and 245.442 (relating to general requirements for underground storage tank systems; and periodic monitoring requirements for petroleum underground storage tank systems) shall be conducted in accordance with all of the following:

(1) *Manual tank gauging.* Manual tank gauging shall meet the following requirements:

(i) Tank liquid level measurements are taken at the

beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank.

(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period.

(iii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

(iv) A leak is suspected and subject to Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

| <i>Nominal Tank Capacity</i> | <i>Minimum Duration of Test</i> | <i>Weekly Standard (one test)</i> | <i>Monthly Standard (average of four tests)</i> | <i>Periodic Tightness Test Required</i> |
|--------------------------------------|---------------------------------|-----------------------------------|---|---|
| 550 gallons or less | 36 hours | 10 gallons | 5 gallons | No |
| 551—1,000 gallons: 64" diameter tank | 44 hours | 9 gallons | 4 gallons | No |
| 551—1,000 gallons: 48" diameter tank | 58 hours | 12 gallons | 6 gallons | No |
| 551—1,000 gallons | 36 hours | 13 gallons | 7 gallons | Yes |

(v) Owners and operators of underground storage tanks of greater than 1,000 gallons nominal capacity may not use this method to meet the requirements in this section.

(2) *Tank tightness testing.* Tank tightness testing, or another test of equivalent performance, must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(3) *Automatic tank gauging.* Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet one of the following requirements:

(i) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product.

(ii) Tank gauges shall be certified by an independent third-party verifying the gauge's ability to detect the leak rate in subparagraph (i) following EPA evaluation protocol.

(4) *Vapor monitoring.* Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

(i) The materials used as backfill are sufficiently porous—for example, gravel, sand or crushed rock—to readily allow diffusion of vapors from releases into the excavation area.

* * * * *

(5) *Groundwater monitoring.* Testing or monitoring for liquids on the groundwater must meet the following requirements:

(i) The regulated substance stored is immiscible in water and has a specific gravity of less than one.

* * * * *

(6) *Interstitial monitoring.* Interstitial monitoring between the underground storage tank system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

(i) For double-walled underground storage tank systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.

(ii) For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the underground storage tank system and the secondary barrier.

* * * * *

(F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with § 245.432(b).

(iii) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

(7) *Statistical Inventory Reconciliation (SIR).* SIR shall meet the performance standards of paragraph (8)(i) for monthly monitoring.

(i) The owner or operator shall follow the instructions of the SIR manufacturer's protocol.

(ii) A separate report for each tank monitored shall be maintained by the owner or operator in accordance with § 245.446(2) (relating to release detection recordkeeping). Each report shall meet the following requirements:

(A) A valid report shall include the calculated leak rate, positive for out of tank and negative for into tank, minimum detectable leak rate (MDL), leak detection

threshold, probability of detection (Pd) and probability of false alarm (Pfa) which the supplied data supports.

(B) A valid report shall also include one of the following test results:

(I) If the calculated leak rate, absolute value, is less than the leak threshold and the MDL is less than or equal to the certified performance standard, the test result is "pass."

(II) If the calculated leak rate, absolute value, is greater than the leak threshold, the test result is "fail."

(III) If the MDL exceeds the certified performance standard and the calculated leak rate is less than the leak threshold, the test result is "inconclusive." An inconclusive result is considered a suspected leak and shall be investigated in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(8) *Other methods.* Other types of release detection methods, or a combination of methods, may be used if the owner or operator can demonstrate to the Department that one of the following exists:

(i) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

(ii) It can detect a release as effectively as any of the methods allowed in paragraphs (2)—(7). In comparing methods, the Department will consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with conditions imposed by the Department on its use to ensure the protection of human health and the environment.

§ 245.445. Methods of release detection for piping.

Each method of release detection for piping used to meet the requirements in § 245.442 (relating to periodic monitoring requirements for petroleum underground storage tank systems) shall be conducted in accordance with the following:

(1) *Automatic line leak detectors.* Methods which alert the operator to the presence of a leak by restricting or automatically shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons-per-hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the automatic line leak detector shall be conducted in accordance with the manufacturer's requirements.

(i) Except as provided in subparagraph (ii), underground storage tank systems installed or replaced after November 10, 2007, must have automatic line leak detectors with an automatic pump shut-off device that shuts off the flow of regulated substances through pressurized piping that routinely contains and conveys product from the tank (See § 245.421(a)(1) (relating to performance standards for underground storage tank systems).)

(ii) Owners and operators of underground storage tank systems that store fuel solely for use by emergency power generators shall install methods that trigger an audible or visual alarm to meet the requirements in this subsection.

(iii) Except as provided in subparagraph (ii), pressurized piping installed on or before November 10, 2007, that conveys regulated substances must be equipped with a method that restricts or automatically shuts off the flow

of regulated substances and meets the requirements in this section if the storage tank facility is unattended while open for business.

(2) *Line tightness testing.* A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at 1 1/2 times the operating pressure.

(3) *Applicable tank methods.* The methods in § 245.444(4)—(8) (relating to methods of release detection for tanks) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

§ 245.446. Release detection recordkeeping.

Underground storage tank system owners and operators shall maintain records in accordance with § 245.435 (relating to reporting and recordkeeping) demonstrating compliance with the applicable requirements of §§ 245.441—245.446 (relating to release detection). These records shall include the following:

(1) Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for the entire time the release detection system is in use at the facility.

(2) The results of any sampling, testing or monitoring shall be maintained for at least 1 year, except that the results of tank tightness testing conducted in accordance with § 245.444(2) (relating to methods of release detection for tanks) shall be retained until the next test is conducted.

(3) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located onsite shall be maintained for at least 1 year after the servicing work is completed. Schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for the entire time the equipment is in use at the facility.

OUT-OF-SERVICE UNDERGROUND STORAGE TANK SYSTEMS AND CLOSURE

§ 245.451. Temporary removal from service (out-of-service).

(a) When an underground storage tank system is temporarily removed from service (out-of-service), the owner shall complete and submit an amended registration form to the Department within 30 days in accordance with § 245.41 (relating to tank registration requirements).

(b) Owners and operators shall continue operation and maintenance of corrosion protection in accordance with § 245.432 (relating to operation and maintenance including corrosion protection), while the tank is temporarily out-of-service. Records shall continue to be kept in accordance with § 245.435 (relating to reporting and recordkeeping).

(c) Owners and operators shall empty a tank being placed temporarily out-of-service prior to submission of the registration form to the Department unless directed otherwise by the Department. Removed contents shall be reused, treated or disposed of in accordance with State and Federal requirements, such as Chapter 299 (relating to storage and transportation of residual waste) and 29 CFR Part 1910 (relating to occupational safety and health standards). Release detection is not required as long as the underground storage tank system is empty. The underground storage tank system is empty when all

materials have been removed using commonly employed practices so that no more than 2.5 centimeters (1 inch) of residue, or 0.3% by weight of the total capacity of the underground storage tank system, remain in the system. Owners and operators shall maintain release detection records required under § 245.446(2) (relating to release detection recordkeeping) for the most recent 12-month period of active operation.

(d) Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with if a release is suspected or confirmed.

(e) Inspection requirements at 3-year intervals in § 245.411(c) (relating to inspection frequency) shall be performed on an underground storage tank system in temporary out-of-service status.

(f) When an underground storage tank system is temporarily removed from service for 3 months or more, owners and operators shall also comply with the following requirements:

(1) Vent lines shall be open and functioning.

(2) All other lines, pumps, manways and ancillary equipment shall be capped and secure.

(g) When an underground storage tank system is temporarily removed from service for more than 12 months, owners and operators shall:

(1) Permanently close the underground storage tank system if it does not meet either performance standards in § 245.421 (relating to performance standards for underground storage tank systems) for new underground storage tank systems or the upgrading requirements in § 245.422 (relating to upgrading of existing underground storage tank systems), except that the spill and overflow equipment requirements do not have to be met.

(2) Permanently close the substandard underground storage tank system at the end of this 12-month period in accordance with §§ 245.452—245.455, unless the Department provides an extension of the 12-month temporary out-of-service period.

(3) Complete a site assessment in accordance with § 245.453 (relating to assessing the site at closure or change-in-service) before an extension may be applied for.

(h) Underground storage tank systems that meet performance standards in § 245.421 or the upgrading requirements in § 245.422 shall be permanently closed within 3 years of being placed temporarily out-of-service or by November 10, 2010, whichever is later, unless the Department grants an extension to this temporary out-of-service period. The Department may establish conditions and require submission of documentation associated with extension of the temporary out-of-service period, such as the following:

(1) Requirements for inspection under § 245.21 (relating to tank handling and inspection requirements) and § 245.111.

(2) Verification and testing of cathodic protection systems under § 245.432.

(3) Site assessment under § 245.453.

(4) Other considerations determined by the Department.

(i) The Department may require tests to be performed of the underground storage tank system in temporary out-of-service status when returning the storage tank system to currently-in-use status. These tests may in-

clude tank and line tightness testing, verification of compatibility, operability testing as required under § 245.437 (relating to periodic testing), internal inspection of the tank or other tests to ensure proper operation.

§ 245.452. Permanent closure and changes-in-service.

(a) At least 30 days before beginning either permanent closure or a change-in-service under subsections (b)—(d), or within another reasonable time determined by the Department, owners and operators shall notify the Department on a form provided by the Department of their intent to permanently close or make the change-in-service, unless the action is in response to corrective action. The required assessment of the excavation zone under § 245.453 (relating to assessing the site at closure or change-in-service) shall be performed after notifying the Department but before completion of the permanent closure or a change-in-service.

(b) To permanently close a tank, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice by removing the liquids and accumulated sludges. Tanks being permanently closed shall also be either removed from the ground or filled with a nonshrinking, inert solid material.

(c) Replacement, removal or closure-in-place of underground product piping or remote fill lines connected to a storage tank shall be considered a permanent closure of that part of the underground storage tank system. A major modification to the dispenser involving excavation beneath the dispenser and removal of the dispenser shall also be considered permanent closure of that part of the tank system. The requirements applicable to permanent closure of an underground storage tank system also apply to the permanent closure of system piping, remote fill lines, and dispensers.

(d) Before a change-in-service, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice by removing the liquid and accumulated sludge, and conduct a site assessment in accordance with § 245.453.

(e) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

(1) The completion of permanent closure.

(2) Change-in-service of the tank.

(f) A properly completed closure report is required to permanently close a site, including a change-in-service. A copy of the completed closure report shall be submitted to the Department when requested.

Subchapter F. TECHNICAL STANDARDS FOR ABOVEGROUND STORAGE TANKS AND FACILITIES

GENERAL

§ 245.501. Purpose.

This subchapter establishes technical standards and requirements for operations and maintenance, design, construction and installation, corrosion and deterioration prevention, release prevention and leak detection, inspection, and closure and removal from service requirements for large aboveground storage tanks and facilities and aboveground storage tanks in underground vaults regu-

lated under the act. Regulated aboveground storage tanks are defined in § 245.1 (relating to definitions).

§ 245.503. Variances.

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

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(4) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 34 Pa. Code Chapter 14 (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 112 (relating to oil pollution prevention).

(5) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(6) The Department will provide to the applicant a written notice of approval, approval with conditions or denial. The Department will publish notice of approved variances in the *Pennsylvania Bulletin*.

§ 245.505. Applicability.

Existing tanks that become regulated due to the addition of new regulated substances as defined in § 245.1 ((relating to definitions) (see subparagraph (iii)(A) and (B))), and the regulation of aboveground storage tanks greater than 30,000 gallons capacity, storing heating oil that is consumed on the premises (See definition of “consumptive use” in § 245.1) are subject to the requirements in this chapter and shall be registered with the Department.

OPERATIONS AND MAINTENANCE

§ 245.511. General operations and maintenance.

A storage tank facility owner and operator shall implement and have onsite a written operations and maintenance plan which assures conformance with applicable safety and operational standards, compliance with applicable Federal and State regulations, and shall use appropriate work practices and procedures.

§ 245.512. Facility operations and spill response plan.

An initial Spill Prevention Response Plan (Plan), which addresses the requirements in sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904) and this chapter, shall be submitted to the Department for a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons. Plan revisions or any addendum to the initial Plan shall be submitted to the Department in writing or electronically within 180 days of any occurrences as described in section 901(b) of the act. A current copy of the Plan shall be readily available at the facility at all times.

§ 245.513. Preventive maintenance and housekeeping requirements.

(a) A storage tank facility owner and operator shall establish and implement a preventive maintenance and housekeeping program which protects the integrity of the system from degradation and protects the public health and the environment.

(b) The storage tank facility owner and operator shall establish and implement routine maintenance inspection procedures at each storage tank facility.

(1) The facility owner and operator are responsible to assure that a visual inspection is performed once every 72 hours. The visual inspection may be accomplished by or supplemented with electronic surveillance and shall include:

(i) A check of the facility to ensure that no potential hazardous environmental conditions exist. This includes a check for evidence of a release for example, spill, overflow or leakage.

(ii) A check of the containment areas for accumulation of water and a confirmation that containment drain valves are secured in a closed position when not in use. If excessive water has accumulated, it shall be drained off and disposed of in accordance with applicable State and Federal requirements.

(iii) In the case of aboveground storage tanks in underground vaults, a check of the continuous leak detection system, as required under § 245.523(7) (relating to aboveground storage tanks in underground vaults), to ensure the equipment is functioning as designed.

(2) The facility owner and operator are responsible to assure that a maintenance inspection of each aboveground storage tank system is performed each month. The maintenance inspection shall include all of the following:

(i) An inspection of the tank system exterior surfaces for deterioration and maintenance deficiencies including a visual check for cracks, areas of wear, excessive settlement and deterioration of the foundation and supports.

(ii) Ancillary equipment and appurtenances shall be visually checked for operational malfunctions.

(iii) An inspection of containment and transfer areas for cracks, defects and fire hazards.

(iv) A check of overfill prevention equipment and monitoring of the leak detection system.

(v) The monthly maintenance inspection report shall be completed and signed by the individual who conducted the inspections and maintained for 1 year.

(3) The facility owner and operator are responsible to establish a process to assure that storage tank vents are operational and free of restrictions.

(c) The storage tank facility owner and operator shall immediately initiate the actions necessary to correct deficiencies noted during the 72-hour visual and monthly maintenance inspections.

(d) Repairs to aboveground storage tank systems shall be properly conducted in accordance with the manufacturer’s instructions, a code of practice developed by a Nationally recognized association or an independent testing laboratory.

§ 245.514. Security.

(a) The storage tank facility owner and operator are responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures and procedures may include, but are not limited to monitoring, fencing, lighting, access control, locked entrances and securing of valves and dispensers.

(b) The owner and operator of an aboveground storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written or electronic log. At a minimum, each log entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.

§ 245.515. Labeling/marketing of aboveground storage tank systems.

(a) The storage tank facility owner and operator are responsible to assure aboveground storage tank systems are labeled/marked in accordance with industry standards and in compliance with Federal and State requirements. Tank labels/marks shall be easily legible from outside the containment area and shall be capable of readily identifying the regulated substance stored.

(b) The storage tank facility owner and operator shall be capable of readily identifying the substances transferred in the regulated piping system and be able to determine flow control points, including pumps, valves and dispensers through labeling or other suitable means.

§ 245.516. Recordkeeping requirements.

(a) Owners and operators of aboveground storage tank systems shall maintain records as required under this chapter and provide records, as requested, and cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors. Owners and operators shall provide records and cooperate fully in response to requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act (35 P.S. § 6021.107(c)).

(b) Owners and operators shall maintain required records either onsite at the storage tank facility or at a readily available alternative site. Records maintained at the storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

(c) *Recordkeeping.* Owners and operators shall maintain all of the following records for aboveground storage tank systems for the operational life of the tank system and retain the records for a minimum of 1 year after the tank system has been permanently closed:

(1) Original installation and modification of aboveground storage tank system design specifications.

(2) Any variance issued for the aboveground storage tank system under § 245.503 (relating to variances).

(3) The permits issued under Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).

(4) Tank handling activity installation, relocation, reconstruction and major modification inspection results.

(5) The notices of releases submitted under § 245.305 (relating to reporting releases).

(6) Applicable manufacturer's documentation for the aboveground storage tank system and any ancillary equipment.

(7) Third-party out-of-service inspection reports.

(8) Written or electronic log entry information as required under § 245.514(b) (relating to security).

(9) The current registration certificate.

(10) The leak detection records for the past 12 months.

(11) The last two results of cathodic protection monitoring, when a cathodic protection system is in use under § 245.532 (relating to cathodic protection systems).

(12) The routine 72-hour visual and monthly maintenance inspections for the past 12 months.

(13) The last third-party in-service inspection report.

(14) A properly completed closure report and results of the site assessment conducted at permanent closure or change-in-service under § 245.561 (relating to permanent closure or change-in-service).

(15) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(16) Documentation of the last three impressed current cathodic protection system checks for each 60-day period under § 245.532.

DESIGN, CONSTRUCTION AND INSTALLATION

§ 245.521. Performance standards for aboveground storage tanks.

(a) Aboveground storage tank construction shall meet or exceed Nationally recognized industry association codes of practice. New aboveground storage tank systems shall be installed in accordance with applicable codes of practice and consistent with manufacturer's or fabricator's specifications as specified in § 245.522 (relating to new aboveground storage tank installations and reconstructions).

(b) Aboveground storage tank modifications shall be in accordance with industry codes of practice as specified in § 245.524 (relating to aboveground tank modifications).

(c) Aboveground storage tanks shall be protected from corrosion and deterioration as specified in §§ 245.531—245.534 (relating to corrosion and deterioration prevention).

(d) A leak monitoring system shall be installed as specified in § 245.543 (relating to leak detection requirements).

(e) A release prevention system shall be installed as specified in §§ 245.541 and 245.542 (relating to overflow prevention requirements; and containment requirements for aboveground storage tank systems).

(f) Aboveground storage tanks shall be tested according to industry standards before being placed in service as specified in §§ 245.522 and 245.524.

(g) Aboveground storage tanks shall be inspected at installation, reconstruction or relocation and when a major modification is performed on a tank as specified in § 245.554 (relating to installation and modification inspections).

§ 245.522. New aboveground storage tank installations and reconstructions.

(a) Aboveground storage tanks shall be designed and constructed in accordance with an appropriate current code of practice developed by Nationally recognized associations such as UL, ACI, API, ASME, ASTM, STI or NACE and will follow applicable engineering specifications.

(b) Aboveground storage tanks must have a stable foundation, capable of supporting the total weight of the tank when full of product without movement, rolling or unacceptable settling. The foundation must minimize corrosion of the tank bottom and meet or exceed the specifications of the tank manufacturer. The foundation design and construction must be based on sound engineering practices.

(c) Aboveground storage tanks shall be tested for tightness in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications. If a pneumatic test is used for manufactured (shop built) tanks, the fittings, welds, joints and connections shall be coated with a soap solution and checked for leaks. Aboveground field constructed storage tanks shall be hydrostatically tested. Deficiencies shall be remedied prior to tanks being placed into service. Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(d) Reconstruction of aboveground storage tanks must follow the current codes of practice developed by Nationally recognized associations and be accomplished in accordance with sound engineering practices. Reconstructed aboveground storage tanks must be inspected and hydrostatically tested before being placed into service. Reconstructed aboveground storage tanks must meet or exceed requirements specified in § 245.521 (relating to performance standards for aboveground storage tanks). Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(e) Aboveground manufactured storage tanks that are relocated to another service site must meet the performance requirements for aboveground storage tanks and shall be tested according to industry standards and inspected before being put back in service.

(f) The Department may require the tank owner to submit documentation of construction design criteria and engineering specifications for review.

§ 245.523. Aboveground storage tanks in underground vaults.

The following requirements shall be met when an owner or operator chooses to install an aboveground storage tank in an underground vault:

(1) The vault shall completely enclose the aboveground storage tank. There may be no openings in the vault enclosure except those necessary for access to, inspection of, and filling, emptying and venting of the tank. The walls and floor of the vault must be constructed of reinforced concrete at least 6 inches thick. The top, walls and floor shall be designed to withstand the anticipated loading, including loading from traffic, soil and groundwater.

(2) The vault must be compatible with the stored substance and have a permeability of less than 1×10^{-7} cm/sec for substance stored and be water tight.

(3) An aboveground storage tank must be in its own vault. Adjacent vaults may share a common wall.

(4) There may be no backfill around the aboveground storage tank and there shall be sufficient space between the tank and the vault to allow inspection of the tank and ancillary equipment.

(5) Vaults and aboveground storage tanks must be suitably anchored to withstand uplifting by either water or released substance, including when the tank is empty.

(6) Connections shall be provided to permit venting of each vault to dilute, disperse and remove vapors prior to personnel entering the vault.

(7) A vault must be equipped with a continuous leak detection system capable of detecting vapors and liquids including water. The detection system must activate an alarm that automatically shuts down the dispensing system if vapors or liquids are detected.

(8) A vault must have a means for personnel entry. The entry point must have a warning sign indicating the need for procedures for safe entry into a confined space. An entry point must be secured against unauthorized entry and vandalism.

(9) A suitable means to admit a fire suppression agent shall be provided for each vault.

(10) Aboveground storage tanks and ancillary equipment shall be installed, maintained and inspected in accordance with the requirements for aboveground storage tanks in this subchapter.

(11) Underground piping distribution systems for each aboveground storage tank system used to dispense class I or class II motor fuels for resale must be provided with release detection equivalent to underground piping release detection addressed in § 245.445 (relating to methods of release detection for piping) and monitored as required in paragraph (7) with monitoring records retained for 12 months as required under § 245.516 (relating to recordkeeping requirements).

§ 245.524. Aboveground tank modifications.

(a) Modifications performed on aboveground storage tank systems shall be designed and implemented in accordance with current codes of practice developed by Nationally recognized associations such as API, ACI, ASME, ASTM, NACE, STI or UL.

(b) Modifications shall be performed in accordance with Nationally recognized codes and manufacturer's specifications or a professional engineer's design requirements.

(c) Aboveground storage tank systems which are modified shall be inspected and tested according to industry standards before being put in service when a major modification has been performed on the storage tank system. Deficiencies shall be remedied before being returned to service.

(d) The Department may require the tank owner to submit documentation of construction modification design criteria and engineering specifications for review.

§ 245.525. Ancillary equipment for aboveground storage tanks.

(a) Ancillary equipment shall be designed and installed in accordance with Nationally recognized codes of practice and manufacturer's specifications such as API, ASME, ASTM, UL, PEI or ANSI. Ancillary equipment shall be in good working order and maintained according to manufacturer's specifications and accepted industry practices. Ancillary equipment shall be compatible with the stored substance.

(b) Aboveground storage tanks must be appropriately vented to protect the tank from over pressurization and excessive vacuums. Vents shall meet or exceed the appropriate codes of practice developed by Nationally recognized associations such as API and NFPA. Normal venting must allow the tank to breathe when transferring the stored product. Emergency venting must ensure that the safe pressure for the tank is not exceeded.

(c) Aboveground storage tank connections through which regulated substance can flow must be equipped with an operating valve adjacent to the tank to control flow of substance. Appropriate valves must be installed to meet or exceed current codes of practice and jurisdictional requirements. Valves shall be designed, installed and maintained according to current codes of practice.

§ 245.526. Piping for aboveground storage tanks.

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(c) Piping in contact with the soil or an electrolyte shall be adequately protected from corrosion in accordance with current codes of practice developed by Nationally recognized associations such as NACE or API.

(d) Piping shall be tested and inspected in accordance with current industry practices and §§ 245.552 and 245.553 (relating to in-service inspections; and out-of-service inspections).

(e) Aboveground piping shall be adequately supported and be protected from physical damage caused by freezing, frost heaving and vehicular traffic.

CORROSION AND DETERIORATION PREVENTION

§ 245.531. General corrosion and deterioration requirements.

(a) Aboveground storage tank systems must be continuously protected from corrosion and deterioration.

(b) Metallic tank bottoms in direct contact with the soil or other electrolyte shall be evaluated by a corrosion expert to determine if cathodic protection is necessary or appropriate.

(c) Tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings).

§ 245.532. Cathodic protection systems.

(a) When required for corrosion prevention, cathodic protection systems must consist of one or more of the following:

- (1) Sacrificial anodes and dielectric coating.
- (2) Impressed current.
- (3) Another method specified in an appropriate Nationally recognized association code of practice.

(b) Cathodic protection systems shall be designed by a corrosion expert and maintained to provide protection against external corrosion for the operational life of the tank system.

(c) Each cathodic protection system shall have an access point which enables the owner or operator to check on the adequacy of cathodic protection. The cathodic protection systems shall be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

- (1) Impressed current cathodic protection systems must be tested at least annually.
- (2) Galvanic cathodic protection systems must be tested at least every 3 years.
- (3) Cathodic protection systems must be tested within 6 months following installation and 6 months following repair of the cathodic protection system.

(4) The criteria that are used to determine that cathodic protection is adequate under this section must be

in accordance with a code of practice developed by a Nationally recognized association.

(d) Aboveground storage tank systems with impressed current cathodic protection systems must be checked every 60 days to ensure the equipment is running properly. At a minimum, the operator or person conducting the 60-day check must document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.

(e) For aboveground storage tank systems using cathodic protection, records of the operation of the cathodic protection must be maintained under § 245.516 (relating to recordkeeping requirements) to demonstrate compliance with the performance standards in this section. The records must include the following:

- (1) The results of the last three checks required in paragraph (d).
- (2) The results of testing from the last two cathodic protection surveys required in paragraph (c).

(f) Tank and piping connections of two dissimilar metals which create a galvanic cell are prohibited.

§ 245.533. Coating exterior tank and piping surfaces.

The exterior surfaces of aboveground storage tanks and piping shall be protected by a suitable coating which prevents corrosion and deterioration. The coating system shall be maintained throughout the entire operational life of the tank.

§ 245.534. Interior linings and coatings.

(a) Coating or lining systems may be used to protect aboveground storage tank interiors from corrosion and deterioration. The coating or lining system shall be designed in accordance with current codes of practice. Coating or lining systems must be bonded firmly to the interior surfaces of the tank.

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(c) Interior linings or coatings shall be inspected by a third-party, Department-certified, aboveground storage tank inspector at installation, when undergoing a major modification, and at least every 10 years or as warranted or recommended by the manufacturer or design engineer and agreed upon by the Department.

RELEASE PREVENTION AND LEAK DETECTION

§ 245.541. Overfill prevention requirements.

(a) Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the aboveground storage tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. Immediate action shall be taken to stop the flow of regulated substance prior to exceeding tank capacity or in the event that an equipment failure occurs.

(b) Aboveground storage tanks shall be installed with the following:

- (1) A gauge or monitoring device which accurately indicates the level or volume in the tank and is visible to the individual responsible for the transfer of product. The monitoring device shall be installed, calibrated and maintained in accordance with manufacturer's specifications.

(2) A high-level alarm with an automatic high-level cut-off device or a high-level alarm with a manned operator shutdown procedure in operation. The shutdown procedure must be in writing and shall be provided to the Department upon request.

(c) Existing aboveground storage tanks must have a gauge or monitoring device installed by October 11, 2000.

(d) An existing aboveground storage tank which is taken out of service to perform a scheduled out-of-service inspection or a major modification to the tank shall be upgraded with a high-level alarm with a cut-off device or a high-level alarm with a manned operator shutdown procedure prior to being put back in service.

(e) An existing aboveground storage tank system which has not been required to be taken out of service to perform a scheduled inspection or modification must have overflow protection consistent with National industry standards.

§ 245.542. Containment requirements for aboveground storage tank systems.

(a) Containment structures must be compatible with the substance stored and minimize deterioration to the aboveground storage tank system.

(b) Containment areas shall be designed, maintained and constructed in accordance with sound engineering practices adhering to Nationally recognized codes of practice and in compliance with State and Federal requirements.

(c) Secondary containment under the aboveground storage tank bottom and around underground piping must be designed to direct any release to a monitoring point to meet leak detection requirements. Secondary containment shall be provided on a new tank at installation, and shall be provided on an existing tank at reconstruction or relocation of the tank or when the tank floor is replaced (See API 650 Appendix I). Permeability of the secondary containment must be less than 1×10^{-7} cm/sec at anticipated hydrostatic head and shall be verified at the time of installation.

(d) Aboveground storage tanks must have emergency containment structures, such as dike fields, curbing and containment collection systems, which contain releases from overfills, leaks and spills.

(1) Permeability of newly installed or replacement emergency containment structures or emergency containment structures for aboveground storage tanks installed after October 11, 1997, must be less than 1×10^{-6} cm/sec at anticipated hydrostatic head and be of sufficient thickness to prevent the released substance from penetrating the containment structure for a minimum of 72 hours, and until the release can be detected and recovered.

(2) Emergency containment structures for aboveground storage tanks installed on or before October 11, 1997, must meet one of the following standards:

(i) The standards for new emergency containment structures for aboveground storage tanks in paragraph (1).

(ii) Verification by a professional engineer that the emergency containment structure, coupled with the tank monitoring program and response plan, is capable of detecting and recovering a release and is designed to prevent contamination of the waters of this Commonwealth. Verification may be conducted in a manner consistent with the Department's technical document

entitled "Verification of Emergency Containment Structures for Aboveground Storage Tanks" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements. Verification of earthen structures should include determination of the containment structure permeability following Nationally recognized testing methods.

(3) Verification of the containment structure is valid until conditions at the site, monitoring program, response plan or procedures change.

(4) Transfers of regulated substances to an aboveground storage tank within the emergency containment shall be monitored by designated personnel for the duration of the transfer.

(e) Emergency containment areas, such as dike fields, must be able to contain 110% of the capacity of the largest aboveground storage tank in the containment area.

(f) Water shall be removed from the emergency containment area as soon as possible. Water shall be removed from the containment before it comes in contact with the aboveground storage tank or piping and before it reduces the capacity of containment by 10% or more. Manually operated pumps or siphons and manually operated gravity drains may be used to empty the containment. If drain valves are used they shall be secured in the closed position when not in use. Discharge or disposal of substances from the containment structure must comply with applicable State and Federal requirements.

§ 245.543. Leak detection requirements.

(a) Aboveground storage tank systems shall be provided with a method of leak detection at installation that is capable of detecting a release. The leak detection method shall be monitored at least monthly and shall be installed, calibrated, operated and maintained in accordance with industry practices and manufacturer's specifications.

(1) The area beneath the aboveground storage tank bottom shall be monitored for leakage by visual, mechanical or electronic leak detection methods.

(2) Observation wells outside of the secondary containment structure do not satisfy the leak detection requirements.

(b) Existing aboveground storage tank systems with secondary containment shall implement a monthly leak detection method as required by subsection (a). Monthly visual inspections shall be an acceptable method of leak detection.

(c) Existing aboveground storage tanks without secondary containment under the bottom of the tank that are in contact with the soil, such as vertical flat bottom tanks, that do not have cathodic protection or an internal lining shall be leak tested at the next scheduled in-service inspection consistent with subsection (d) and continue to be leak tested at each in-service inspection thereafter, until the tank is upgraded.

(d) Tank leak test must follow a Nationally recognized procedure that is based on a volumetric/mass measurement, an acoustic measurement or a soil-vapor monitoring method. The test shall be performed by a third-party inspector or a technician who has experience with the selected method and is qualified by the test equipment manufacturer or certified by the relevant industry association and is not an employee of the tank owner.

(e) Aboveground piping shall be visually checked for leaks in accordance with the facility operations and maintenance plan.

ABOVEGROUND STORAGE TANK INSPECTIONS

§ 245.551. General requirements for third-party inspections.

(a) Aboveground storage tank owners and operators shall have their aboveground storage tank systems inspected by a Department-certified aboveground storage tank inspector at frequencies in this subchapter. Inspections will check for compliance with State and Federal requirements and adherence to current codes of practice developed by Nationally recognized associations, tank manufacturer's instructions and design engineer's specifications.

(b) Only Department-certified inspectors, certified for the applicable inspector certification category, shall be used to satisfy requirements for:

- (1) In-service inspections.
- (2) Out-of-service inspections.
- (3) Installation and modification inspections.

§ 245.552. In-service inspections.

(a) The in-service inspection must follow the guidelines of a Nationally recognized association such as API 653, API 570 and applicable engineering criteria (See §§ 245.524(b), 245.542(d)(2) and 245.543(d) (relating to aboveground tank modifications; containment requirements for aboveground storage tank systems; and leak detection requirements).)

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(d) Except as provided in paragraphs (5) and (6), inspection intervals for in-service inspections are as follows:

(1) Aboveground storage tanks shall be initially inspected within 5 years of installation.

(2) Aboveground storage tanks shall have an in-service inspection within 1/4 of the corrosion rate life with a maximum of 5 years from the previous inspection or installation.

(3) An out-of-service inspection may replace an in-service inspection.

(4) An in-service inspection interval, if agreed upon by the Department, may be delayed under § 245.562 (relating to temporary removal from service (out-of-service)) for an aboveground storage tank that is temporarily removed from service. Prior to placing product in the aboveground storage tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

(5) Aboveground storage tanks in underground vaults shall have in-service inspections conducted as follows:

(i) Aboveground storage tanks with a capacity greater than 5,000 gallons shall have in-service inspections conducted within 6 and 12 months of installation and at least every 3 years thereafter.

(ii) Aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons shall have in-service inspections conducted within 6 and 12 months of installation and at least every 3 years thereafter.

(iii) More frequent in-service inspections may be required by the Department when a prior inspection identifies corrosion, deterioration or other violations of this subchapter.

(6) Existing aboveground storage tanks in underground vaults with scheduled in-service inspections after December 21, 2021, shall be inspected by the next currently scheduled in-service inspection date, unless notified otherwise by the Department. Subsequent in-service inspections shall be conducted in accordance with this section.

(e) Inspection recommendations shall be addressed and deficiencies remedied. When modifications or repairs are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications and engineering design criteria (See §§ 245.522(a) and (b), 245.524(b)(2), 245.532(b) and (c) and 245.534(c).) The Department may require submission and review of all documentation relating to these remedies. Required tank handling activities are reported to the Department by the certified installer. Tank handling activities involving major modifications shall also be inspected by a certified aboveground storage tank inspector and reported to the Department.

(f) The complete inspection report shall be kept at the facility until the next out-of-service inspection is completed.

§ 245.553. Out-of-service inspections.

(a) Inspections must follow the guidelines of a Nationally recognized association such as API 653, API 570 or ASME and applicable engineering criteria (See §§ 245.524(b), 245.534(c), 245.542(d)(2) and 245.543(d).)

(b) The out-of-service inspection shall evaluate the following:

- (1) Containment areas.
- (2) Foundation and supports.
- (3) Tank shell.
- (4) Tank roof.
- (5) Tank bottom.
- (6) Appurtenances.
- (7) Ancillary equipment including piping.
- (8) Leak detection method.
- (9) Cathodic protection system, if installed.
- (10) Internal linings and coatings, if installed.
- (11) Aboveground storage tank system integrity and suitability for service.

(c) The aboveground storage tank bottom evaluation of metallic floors must be based on ultrasonic testing and visual examination and include at least one other method of nondestructive examination such as magnetic flux tests or vacuum tests of bottom lap welds (See API 653 and ASTM metallography—nondestructive testing Vol. 03.03). The ultrasonic evaluation must be statistically representative of the whole floor, excluding the release prevention barrier or secondary containment on double bottom tanks.

(d) Inspection information shall be submitted to the Department on a form provided by the Department and include the results of subsection (b) and the following:

- (1) A determination of the corrosion rate for tank shell, bottom plates and piping.
- (2) A calculation of the tank life and piping life based on the corrosion rate.

(3) The schedule for next out-of-service inspection, based on the API 653 calculated service life method or 1/2 of the corrosion rate life, with a maximum of 20 years between inspections. Other site-specific conditions, for example, maintenance practices, previous repairs, internal linings, the nature of the substance stored or soil conditions that may affect corrosion rate life and should be considered when projecting tank service life and the next inspection interval.

(4) The recommendations for maintaining aboveground storage tank system integrity and meeting performance standards.

(e) Inspection intervals for out-of-service inspections are as follows:

(1) Aboveground storage tanks shall be initially inspected based on measured corrosion rates. When the corrosion rate is unknown, such as with new tank bottoms, the tank's actual bottom thickness shall be determined by inspection within 10 years of installation to determine the corrosion rate.

(2) Aboveground storage tanks shall have an out-of-service inspection at their API 653 calculated service life or 1/2 of the corrosion rate life, with a maximum of 20 years from the last out-of-service inspection.

(3) If agreed upon by the Department, an out-of-service inspection interval may be delayed under § 245.562 (relating to temporary removal from service (out-of-service)) for a tank that is temporarily removed from service. Prior to placing product in the tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

(f) Deficiencies noted during the inspection shall be remedied before the aboveground storage tank system is returned to service. Modifications or repairs performed on the aboveground storage tank system shall be made in accordance with manufacturer's specifications or an engineer's design criteria (see §§ 245.522(a) and (b), 245.524(b)(2) and 245.532(b) and (c) (relating to new aboveground storage tank installations and reconstructions; aboveground tank modifications; and cathodic protection systems).) The Department may require submission of and review documentation relating to these remedies. Required tank handling activities shall be reported to the Department by the certified installer. Tank handling activities involving major modifications shall also be inspected by a certified aboveground storage tank inspector and reported to the Department.

(g) Aboveground storage tanks which can be completely inspected from the exterior are excluded from out-of-service inspections, except for tanks that are internally lined.

(h) The completed inspection report for out-of-service inspections shall be kept with the facility records under § 245.516 (relating to recordkeeping requirements).

§ 245.554. Installation and modification inspections.

(a) Aboveground storage tank systems shall be inspected by a Department-certified inspector at the time of installation in accordance with § 245.522 (relating to new aboveground storage tank installations and reconstructions), and current Nationally recognized association's code of practice and manufacturer's specifications.

(b) Major modifications shall be inspected by a Department-certified inspector at the time of modification

under § 245.524 (relating to aboveground tank modifications) and current codes of practice developed by Nationally recognized associations prior to being put back in service. When modifications are made to the tank floor, the next inspection date projections shall be determined based on the condition of the tank subsequent to those modifications and reported to the Department by the certified inspector on the appropriate inspection form provided by the Department. Other site-specific conditions, for example, maintenance practices, previous repairs, the nature of the substance stored or soil conditions that may affect corrosion rate life or aboveground storage tank system integrity should be considered when projecting tank service life and the next inspection interval.

(c) Aboveground storage tanks which are relocated or reconstructed shall be inspected by a Department-certified inspector and tested for tightness in accordance with § 245.522 and current codes of practice developed by Nationally recognized associations prior to being put in service.

(d) The completed inspection report for installation and modification inspections shall be retained with the facility records under § 245.516.

CLOSURE AND REMOVAL FROM SERVICE REQUIREMENTS

§ 245.561. Permanent closure or change-in-service.

Before permanent closure or change-in-service is completed, the owner and operator shall comply with the following:

(1) At least 30 days before beginning either a permanent closure or change-in-service, or within a lesser time as determined by the Department, the owner and operator shall notify the Department of their intent to permanently close or perform a change-in-service, unless the action is in response to a corrective action or waived by the Department.

(2) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

- (i) The completion of permanent closure.
- (ii) Change-in-service of the tank.

(3) The owner and operator shall complete a site assessment to measure for the presence of any release from the aboveground storage tank system and a closure report. The assessment of the site shall be made after the notification to the Department and may be conducted in a manner consistent with the Department's technical document entitled "Closure Requirements for Aboveground Storage Tank Systems" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements. The results of the site assessment and the closure report shall be retained for 3 years.

(4) If contaminated soil, sediment, surface water or groundwater, or free product is discovered or confirmed by either direct observation or indicated by the analytical results of sampling, the owner and operator shall proceed with the corrective action as required in Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) or, if applicable, in accordance with remedial action agreements.

(5) Regulated substance and contents removed from the aboveground storage tank system shall be reused, treated or disposed of in a manner consistent with applicable State and Federal waste management requirements.

(6) Aboveground storage tank systems shall be cleaned, rendered free of hazardous vapors and ventilated if left onsite or shall be emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste).

(7) Aboveground storage tanks permanently closed and left onsite shall be legibly marked with the date of permanent closure.

(8) The appropriate State agency, county and local jurisdiction shall be notified if the tank is under a fire marshal, flammable and combustible liquids or other State agency, county or local jurisdiction permit.

(9) Aboveground storage tanks that are closed in place shall:

- (i) Be rendered inoperable and incapable of storing liquid substance.
- (ii) Be secured against unauthorized entry.
- (iii) Meet the requirements specified in paragraphs (1)—(8).

§ 245.562. Temporary removal from service (out-of-service).

(a) The owner and operator shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) An aboveground storage tank system shall be emptied and regulated substances and contents shall be reused, treated or disposed of in accordance with State and Federal requirements.

(c) An aboveground storage tank shall be secured against unauthorized entry and all piping entering or exiting the tank, excluding vents, shall be capped or blinded.

(d) Aboveground storage tank system integrity shall be maintained throughout the temporary removal from service time and the tank shall be protected against flotation.

(e) Inspection requirements shall be maintained as specified in §§ 245.551—245.554 (relating to aboveground storage tank inspections). In-service and out-of-service inspection intervals may be delayed for a tank that is temporarily removed from service. The delayed inspections shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.

(f) Aboveground storage tanks shall be permanently closed within 5 years of being placed temporarily out-of-service unless the owner requests in writing an extension to the temporary out-of-service period and the Department approves the request.

(g) The Department may impose conditions and require submission of documentation when reviewing and approving a request for an extension of the temporary out-of-service period, including:

(1) Requirements for inspection under §§ 245.552 and 245.553 (relating to in-service inspections; and out-of-service inspections).

(2) Site assessment under § 245.561 (relating to permanent closure or change-in-service).

(3) Other considerations determined by the Department to be necessary to ensure the integrity of the aboveground storage tank.

Subchapter G. SIMPLIFIED PROGRAM FOR SMALL ABOVEGROUND STORAGE TANKS

GENERAL

§ 245.603. General storage tank facility requirements.

(a) The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall develop and adhere to a Spill Prevention Response Plan (Plan) which addresses the requirements in sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904). Plan revisions or any addendum to the initial Plan shall be submitted to the Department in writing or electronically within 180 days of any occurrences as described in section 901(b) of the act. A current copy of the Plan shall be readily available at the storage tank facility at all times.

(b) The owner and operator of a storage tank facility are responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures may include, but are not limited to, fencing, lighting, access control, locked entrances and securing of valves, drains and dispensers.

(c) The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written or electronic log. At a minimum, each log entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.

§ 245.605. Applicability.

Existing aboveground storage tanks that become regulated due to the addition of new regulated substances as defined in § 245.1 ((relating to definitions) (see subparagraph (iii)(A) and (B))) are subject to the requirements in this chapter and shall be registered with the Department.

§ 245.606. Variances.

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

(1) A variance may only be granted if the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and must provide all of the following information:

- (i) The facility name and identification number for which the variance is sought.
- (ii) Specific sections of this subchapter from which the variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified under subparagraph (ii) technically impractical, infeasible or unsafe.

(iv) Evidence, including data, plans, specifications and test results, which supports an alternative design, practice, schedule or method as being at least as protective of human health and the environment as the requirement of the sections identified under subparagraph (ii).

(3) New technologies may be granted a variance. New technologies shall be reviewed and documented by a professional engineer and documentation provided to the Department with the variance request.

(4) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 34 Pa. Code Chapter 14 (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 112 (relating to oil pollution prevention).

(5) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(6) The Department will provide to the applicant a written notice of approval, approval with conditions or denial. Variance approvals will be published in the *Pennsylvania Bulletin*.

TECHNICAL REQUIREMENTS

§ 245.611. Testing requirements for new and substantially modified small aboveground storage tanks.

(a) Aboveground storage tanks shall be tested for tightness at installation in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications, except for manufactured, shop built tanks that meet the requirements in subsection (b). The testing shall be completed, as part of the installation process, prior to putting the tank in service.

(b) Manufactured, shop built tanks that are initially tested after full assembly at the plant do not require additional testing at installation if the manufacturer certifies that the tank was tested at the plant and the manufacturer's installation instructions do not specify additional testing.

(c) Aboveground storage tanks that receive major modifications to the tank shell or the tank bottom shall be tested for tightness, in accordance with current codes of practice developed by Nationally recognized associations or manufacturer's specifications, prior to being returned to service.

§ 245.612. Performance and design standards.

(a) Aboveground storage tanks shall be designed, constructed and installed or modified in accordance with current codes of practice developed by Nationally recognized associations and the manufacturer's specifications. Tank handling activities shall be accomplished by a Department-certified aboveground storage tank installer or under the installer's direct, onsite supervision and control.

(b) Aboveground storage tanks must have a stable support or foundation capable of adequately supporting the total weight of the tank and its contents when in use. The support or foundation must meet or exceed the

specifications of the tank manufacturer and be designed and constructed in accordance with sound engineering practices.

(c) Ancillary equipment, including piping, shall be designed, installed and modified in accordance with current codes of practice developed by Nationally recognized associations and the manufacturer's specifications. Ancillary equipment must be compatible with the substance stored and must be adequately protected from corrosion, excessive wear and deterioration. Protective coatings shall be maintained throughout the entire operational life of the aboveground storage tank system.

(d) Aboveground storage tanks shall be installed with secondary containment in or under the tank bottom to provide monitoring capability to satisfy leak detection requirements in § 245.613 (relating to monitoring standards) and emergency containment to contain possible releases, such as overfills, leaks and spills. Emergency containment must be sufficiently impermeable to contain any potential release for a minimum of 72 hours and until the release can be detected and fully recovered in an expeditious manner. Double walled tanks may meet both emergency and secondary containment requirements when the tank system is operated with spill and overflow protection controls including the following:

(1) Permanently installed spill prevention equipment at the tank fill point or containment at the remote fill point.

(2) An overflow alarm or prevention device or monitoring gauge and written shutdown procedure.

(3) Block valves on product lines.

(4) Solenoid valve or antisiphon device, if applicable.

(e) The exterior of the aboveground storage tank system must be protected by an appropriate coating or paint which shall be maintained throughout the entire operational life of the aboveground storage tank system.

(f) Aboveground storage tanks which are internally lined must comply with § 245.534(a) and (b) (relating to interior linings and coatings).

(g) Aboveground storage tanks shall be labeled or marked in a manner consistent with industry standards and which provides for identifying the regulated substance stored from outside the containment area.

(h) Aboveground storage tank systems and storage tank system components whose failure could contribute to a release of product shall be maintained in a good state of repair to ensure they function as designed.

§ 245.613. Monitoring standards.

(a) By October 12, 1998, a method of leak detection shall be in use and monitored at least monthly. An automatic sensing device, mechanical device or other appropriate method may be used. This method, at a minimum, shall provide a visual examination of the storage tank system by the owner and operator or designated representative. If releases are detected, they shall be corrected and the provisions of Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with.

(b) The owner and operator shall assure that a maintenance and general operations check of the aboveground storage tank system is performed at least monthly. Deficiencies noted during the check shall be corrected. The small aboveground storage tank general operations and maintenance checklist provided by the owner and opera-

tor shall be used to document the monthly operations and maintenance check. The operations and maintenance check shall include:

(1) A visual examination of the aboveground storage tank system for deterioration, including the tank, piping, ancillary equipment, foundation, containment structure or facility, and safety equipment.

(2) A check of the containment areas for accumulation of water and removal of water as necessary.

(3) Confirmation that containment drain valves are secured in the closed position when not in use.

(4) Verification of the functionality of the leak detection system.

(5) A check of vents for restrictions.

(6) A check of ancillary equipment for operational malfunctions.

(7) An investigation of conditions that may be a fire or safety hazard, or pose an environmental hazard.

(8) Observation for evidence of a release of regulated substance from the aboveground storage tank system.

(c) An owner and operator of an aboveground storage tank system with a cathodic protection system must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the aboveground storage tank system is used to store regulated substances:

(1) An aboveground storage tank system equipped with a cathodic protection system must be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) Impressed current cathodic protection systems must be tested at least annually.

(ii) Galvanic cathodic protection systems must be tested at least every 3 years.

(iii) Cathodic protection systems must be tested within 6 months following installation and 6 months following repair of the cathodic protection system.

(iv) The criteria that are used to determine that cathodic protection is adequate under this section must be in accordance with a code of practice developed by a Nationally recognized association.

(2) An aboveground storage tank system with impressed current cathodic protection systems must be checked every 60 days to ensure the equipment is running properly. At a minimum, the operator or person conducting the 60-day check shall document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.

(3) For an aboveground storage tank system using cathodic protection, records of the operation of the cathodic protection system must be maintained under § 245.615 (relating to recordkeeping requirements) to demonstrate compliance with the performance standards in this section. The records must include the following:

(i) The results of the last three checks required in paragraph (2).

(ii) The results of testing from the last two cathodic protection surveys required in paragraph (1).

§ 245.614. (Reserved).

§ 245.615. Recordkeeping requirements.

(a) The owner and operator shall maintain required aboveground storage tank system records. If records are maintained offsite, the records shall be easily obtained and provided to the Department upon request.

(b) The following records shall be maintained for the operational life of the aboveground storage tank system unless otherwise stated:

(1) Original aboveground storage tank system installation records and design specifications. This requirement is limited to records currently available for aboveground storage tank systems installed on or before October 11, 1997.

(2) Records of modification to the aboveground storage tank system.

(3) The permits issued under Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).

(4) Current registration certificates.

(5) Leak detection records and maintenance checklists for the past 12 months.

(6) Third-party inspection reports.

(7) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(8) Written or electronic log entry information as required under § 245.603(c) (relating to general storage tank facility requirements).

(9) Documentation of the last three impressed current cathodic protection system checks for each 60-day period in accordance with § 245.613 (relating to monitoring standards).

(10) The last two cathodic protection surveys, done at 3-year intervals on galvanic and annually on impressed current cathodic protection systems in accordance with § 245.613.

§ 245.616. Inspection requirements.

(a) Required inspections of small aboveground storage tank systems shall be conducted by Department-certified aboveground storage tank inspectors according to a current Nationally recognized association's code of practice or according to manufacturer's specifications and applicable engineering criteria (See § 245.612 (relating to performance and design standards).) Deficiencies noted during the inspection shall be addressed and remedied. When modifications or repairs are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications and applicable engineering design criteria. The Department may require submission and review of documentation relating to these remedies. The associated tank handling activities are reported to the Department by a certified installer.

(b) Small aboveground field constructed storage tanks shall be inspected at installation, reconstruction or relocation and when a major modification activity is performed on the aboveground storage tank shell or the tank bottom plates.

(c) Except as provided in paragraph (2), the owner and operator of small aboveground storage tanks storing regulated substances with a capacity greater than 5,000 gallons and owners and operators of small aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons shall have in-service

inspections conducted every 5 years or more often when corrosion, deterioration or other specific conditions necessitate. Other specific conditions may include maintenance practices, previous repairs, the nature of the substance stored and coatings or linings that should be considered when projecting tank service life and the next inspection interval. Internally lined tanks and flat bottom tanks without an interstice or external access to the tank bottom may require further evaluation or internal examination.

(1) Aboveground storage tanks installed after December 22, 2018, shall be initially inspected within 5 years of installation.

(2) Existing aboveground storage tank systems with scheduled in-service inspections after December 21, 2023, shall be inspected by the next currently scheduled in-service inspection date, unless notified otherwise by the Department. Subsequent in-service inspections shall be conducted in accordance with this section.

(d) In-service inspections shall evaluate the following:

- (1) Containment areas.
- (2) Foundation and tank supports.
- (3) Tank shell and tank roof, where a roof exists.
- (4) Appurtenances.
- (5) Ancillary equipment including piping.
- (6) Leak detection method, including leak detection records and maintenance checklists.
- (7) Cathodic protection system, if installed.
- (8) Coatings and protections from deterioration.
- (9) Tank system integrity and suitability for service.

(e) If agreed upon by the Department, an in-service inspection interval may be delayed under § 245.617 (relating to temporary removal from service (out-of-service)) for an aboveground storage tank that is temporarily removed from service. Prior to placing product in the aboveground storage tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

§ 245.617. Temporary removal from service (out-of-service).

(a) The owner and operator shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) The owner and operator shall empty the aboveground storage tank system of regulated substances and conduct a visual examination of the area surrounding the tank as required under § 245.618(b) (relating to permanent closure or change-in-service), excluding the surface and soil underlying any tank bottom in contact with the ground before placing the tank in temporary removal from service status.

(c) Monitoring standards in § 245.613(a) (relating to monitoring standards) are not required when an aboveground storage tank is reported to the Department as temporarily removed from service.

(d) Inspection requirements shall be maintained as specified in § 245.616 (relating to inspection requirements). In-service inspection intervals may be delayed for a tank that is temporarily removed from service. The delayed inspections shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.

(e) Aboveground storage tanks shall be permanently closed within 5 years of being placed temporarily out-of-service unless the owner requests in writing an extension to this temporary removal from service period and the Department approves the request.

(f) The Department may impose conditions and require submission of documentation when reviewing and approving a request for an extension of the temporary removal from service period, including:

- (1) Requirements for inspection under § 245.616.
- (2) Site assessment under § 245.561 (relating to permanent closure or change-in-service) or § 245.618(b).
- (3) Other considerations determined by the Department to be necessary to ensure the integrity of the aboveground storage tank.

§ 245.618. Permanent closure or change-in-service.

(a) Aboveground storage tank systems shall be cleaned, rendered free from hazardous vapors and ventilated if left onsite or emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste). Piping shall be removed or capped and fill ports shall be secured, capped or dismantled.

(b) The owner shall conduct a visual examination of the surface, soil and area surrounding and underlying the storage tank system for obvious indications or evidence of a release of regulated substance.

(1) If a release is suspected, it shall be investigated in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(2) If a release is confirmed, it shall be reported to the appropriate Department regional office responsible for the county in which the aboveground storage tank is located in accordance with § 245.305 (relating to reporting releases).

(c) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

- (1) The completion of permanent closure.
- (2) Change-in-service of the tank.

Subchapter H. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND STORAGE TANK FACILITIES

§ 245.704. General requirements.

(a) An owner or operator of an underground storage tank shall continuously participate in the USTIF by timely paying all applicable fees and conforming with all other requirements for participation in the USTIF, unless

the EQB has determined that the underground storage tank is an exempt underground storage tank.

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§ 245.708. Failure to maintain financial responsibility.

The failure of an owner or operator of an underground storage tank to comply with this subchapter shall subject the owner or operator to the enforcement provisions in sections 1301—1315 of the act (35 P.S. §§ 6021.1301—6021.1315).

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